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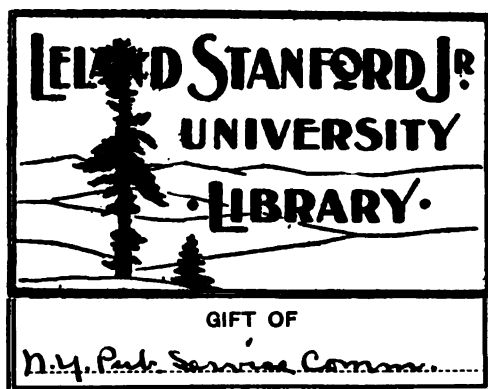
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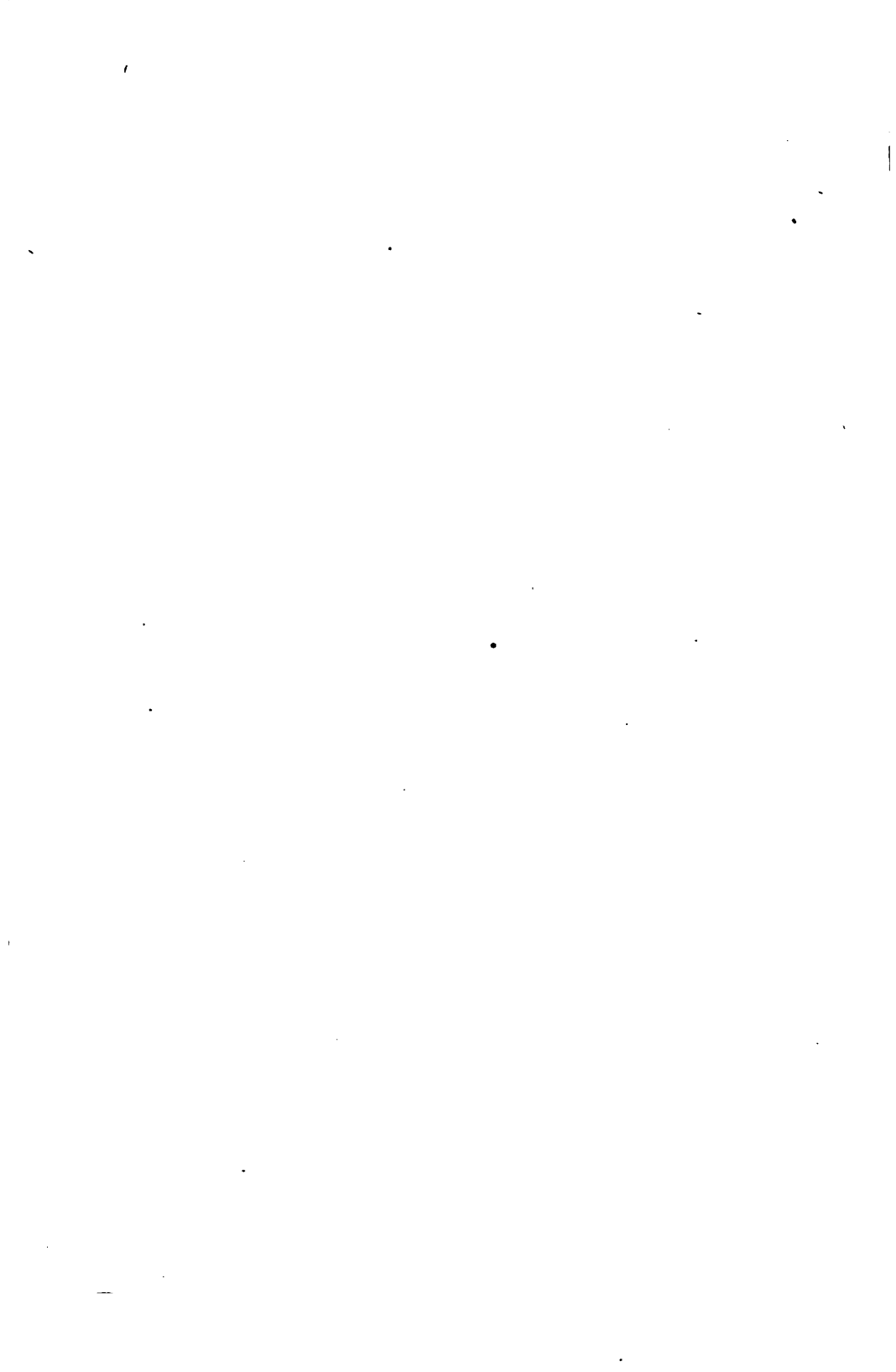
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TWENTY-FOURTH ANNUAL REPORT

OF THE

Board of Railroad Commissioners

OF THE

STATE OF NEW YORK

1906

VOLUME I

TRANSMITTED TO THE LEGISLATURE JANUARY 14, 1907

COMMISSIONERS:

GEORGE W. DUNN,	FRANK M. BAKER,
JOSEPH M. DICKEY,	GEORGE W. ALDRIDGE,
HENRY N. ROCKWELL.	

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STATE OF NEW YORK

No. 10.

IN SENATE

JANUARY 14, 1907.

TWENTY-FOURTH ANNUAL REPORT

OF THE

Board of Railroad Commissioners

ON THE

RAILROADS OF THE STATE.

STATE OF NEW YORK:

BOARD OF RAILROAD COMMISSIONERS,

ALBANY, *January 14, 1907.*

HON. LEWIS STUYVESANT CHANLER, *Lieutenant-Governor, Albany, N. Y.:*

Dear Sir.—The Board of Railroad Commissioners herewith transmits its twenty-fourth annual report to the Legislature.

Very respectfully,

JOHN S. KENNEDY,

Secretary.



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REPORT.

STATE OF NEW YORK:

BOARD OF RAILROAD COMMISSIONERS,

ALBANY, January 14, 1907.

To the Honorable the Legislature of the State of New York:

Pursuant to the requirements of the Railroad Law, the Board of Railroad Commissioners submits its twenty-fourth annual report.

STEAM SURFACE RAILROADS.

The statements under this title all refer to what are known as steam surface railroad companies (a small portion of the mileage being operated by electricity exclusively and a small portion of the mileage being operated by both steam and electricity). The figures given are from the reports of such companies (published in the second volume of this report) for the fiscal year ending June 30, 1906, except where otherwise stated. It must be borne in mind that many of the companies reporting to this State also operate in other states and their reports to this State include the figures for their entire business in other states as well as in this. The comments refer to matters up to the date of this report. Street surface and elevated railroads are referred to under their respective titles.

General Situation.

The gross earnings from operation of the steam surface railroad companies reporting to this State for the year ending June 30, 1906, were \$378,480,470.09; for the year ending June 30, 1905, they were \$348,813,233.45; an increase in 1906 over 1905 of \$29,667,236.64. The increase in gross earnings from operation in 1905 over 1904 was \$14,378,777.11. Operating expenses in 1906 were \$262,171,638.60; in 1905 they were \$247,922,018.43; an increase in 1906 over 1905 of \$14,249,620.17. This year some of the companies which have heretofore charged additions and betterments to operating expenses, charged them to deductions from income. In 1905 operating expenses increased over those for 1904 by \$7,735,581.06. Net earnings from operation in 1906 were \$116,308,831.49; net earnings from operation in 1905 were \$100,891,215.02, an increase of \$15,417,616.47. Net

earnings from operation in 1905 were \$6,643,196.05 more than in 1904. The percentage of operating expenses to gross earnings from operation decreased, compared with 1905, 1.8 per cent.; in 1905 this percentage decreased .75 per cent., compared with 1904.

Earnings per passenger per mile increased, and expenses per passenger per mile decreased, making the profit per passenger per mile .069 greater than in 1905; in 1905 the profit per passenger per mile decreased .042, compared with 1904. The earnings per passenger train mile increased, expenses also increased, leaving the profit per passenger train mile 5 cents greater than in 1905. The earnings per ton of freight per mile decreased .012 cents; expenses decreased .016 cents, leaving the profit increased .004 cents, compared with 1905. Earnings per freight train mile increased 9 cents; expenses increased 3 cents, leaving the profit increased 6 cents. The distribution of operating expenses between passengers and freight is the result of estimates made by the companies. In 1906 income from other sources than operation was \$23,262,965.40; in 1905 it was \$20,428,782.64. In 1906 the interest paid and accrued was \$47,169,789.19; in 1905 \$43,579,974.50. In 1906 the taxes paid and accrued were \$13,639,045.45; in 1905 \$12,353,402.92. In 1906 the dividends declared were \$34,868,314.75; in 1905, \$32,066,181.13. The percentage of dividends declared to capital stock was 3.71 in 1906; in 1905 it was 3.51. The total capital stock of the companies in 1906 was \$938,883,490.52; in 1905, \$913,489,998.63. The percentage of interest paid and accrued to funded debt was 3.97 in 1906; in 1905, 4.17. The total funded debt of the companies in 1906 was \$1,188,903,250.06; in 1905, \$1,044,987,719.39.

During the three months ending September 30, 1906, compared with the corresponding months in 1905, the principal companies of the State show an increase in gross earnings from operation of \$6,454,486.27; an increase in operating expenses of \$3,915,140.91; and an increase in net earnings from operation of \$2,539,345.36. A table showing the companies included is printed hereinafter.

Following will be found a table showing the total gross earnings from operation, and mileage, reported by the companies reporting to this State in each year from 1897 to 1906, inclusive. Since 1902 the reports of no large companies not theretofore reporting are included.

	Gross earnings from operation.	Miles of road operated.
1897	\$204,252,615 41.....	15,188.28
1898	214,050,214 51.....	15,180.89
1899	220,027,722 90.....	15,280.13
1900	247,087,779 28	15,664.23
1901	276,676,101 88.....	17,518.05
1902	293,347,453 06.....	17,770.54
1903	321,550,569 60.....	17,956.09
1904	334,434,456 34.....	18,075.40
1905	348,813,233 45.....	18,325.46
1906	378,480,470 09.....	18,390.73

The following table shows increases and decreases in the steam railroad mileage in the State during the year:

Increases.

Delaware and Eastern.....	13.67
Glenfield and Western.....	3.60
Long Island:	
Brooklyn and Jamaica.....	.08
Lowville and Beaver River.....	10.44
New York and Ottawa.....	.87
Pittsburg, Shawmut and Northern:	
Rochester, Hornellsville and Lackawanna....	.09
Port Chester Terminal.....	.41
	<hr/> 29.16

Decreases.

Buffalo and Susquehanna R. R.:	
Addison and Susquehanna.....	.27
Erie.....	2.35
Lehigh Valley.....	.51
New York Central and Hudson River.....	1.94
Spuyten Duyvil and Port Morris.....	.73
New York, Ontario and Western:	
Port Jervis, Monticello and Summitville....	2.53
Pittsburg, Shawmut and Northern.....	.67
	<hr/> 9.00
Net increase.....	<hr/> 20.16

The above does not include the following which have constructed roads since June 30 and up to January 1, 1907, as follows:

Delaware and Eastern, after June 30 constructed 23.85 miles in addition to amount shown above, which addition was opened on November 17, 1906.

Buffalo, Thousand Islands and Portland, "Less than one Mile." This has been constructed for some time previous to this year.

Buffalo and Susquehanna Railway, 87.45 miles.

Carthage and Copenhagen, 8.75 miles.

Erie and Jersey, to January 1, 1907; Grading, 37.50% Masonry, 45.30%; Tunnels, 47.00%. No track has been laid by this company.

New York, Auburn and Lansing, 19.50 miles. Has been operated partially for freight purposes, the construction trains carrying freight for the accommodation of the shippers along the road.

Tunnesassa and Bradford, 5 miles. This was opened on September 1, 1906.

Adirondack and St. Lawrence, 3.61 miles. This road was formally opened on January 1, 1907.

Quite recently, after conferences between the companies and employees, wages of employees have been advanced and conditions of employment improved, a result of the good times which is gratifying. Employees have also received benefit from the passage in 1906 of an amendment to the railroad law extending the liability of employers for injuries to employees of railroads.

The companies in the hands of receivers are The Pittsburg, Shawmut and Northern, the Dansville and Mount Morris and the Poughkeepsie and Eastern.

The average number of persons, including officials, employed by the companies during the year was 244,742; in 1905, 227,117. The average number residents of this State in 1906 was 109,908; in 1905, 105,041. The total amount paid them in 1906 was \$151,374,268.66; in 1905, \$144,448,794.43. The percentage of gross earnings from operation paid in salaries and wages in 1906 was approximately 40%.

Summary of Business for the Year of Steam Railroads.

The reports of steam surface railroad companies for the year ending June 30, 1906, with tables compiled therefrom, will be found in the second volume of this report. Following will be found a table giving statistics of cost of road and equipment, earnings, etc. Following the table will be found percentages of operating expenses.

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years Ending June 30, 1905 and 1906.

STEAM SURFACE RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
Assets.		
Cost of road and equipment..	\$1,604,005,329 62	\$1,668,867,657 35
Permanent investments, supplies, cash and other assets	608,455,554 61	740,623,898 80
Total assets.....	\$2,212,460,884 23	\$2,409,491,556 15
Liabilities.		
Capital stock issued.....	\$913,489,998 63	\$938,883,490 52
Funded debt issued.....	1,044,987,719 39	1,188,903,250 06
Other liabilities.....	161,710,376 62	187,626,939 84
Total liabilities.....	\$2,120,188,094 64	\$2,315,413,680 42
Excess of assets over liabilities	\$92,272,789 59	\$94,077,875 73
Earnings from operation.		
	PASSENGER.	FREIGHT.
From passenger transportation.....	\$91,381,058 36	\$99,419,422 80
From freight transportation.....	\$229,745,419 30	\$249,960,759 36
From mail transportation.....	7,086,020 66	7,951,518 80
From express transportation.....	9,823,244 39	10,352,617 77
From miscellaneous sources.....	4,167,630 52	3,884,640 70
Gross earnings from operation.....	\$112,457,958 83	\$122,108,200 07
Operating expenses.....	\$96,708,980 25	\$101,235,784 75
Net earnings from operation.....	\$15,753,973 58	\$20,872,415 32
Operating Expenses.		
Maintenance of way and structures.....	\$43,893,512 18	\$46,741,038 08
Maintenance of equipment....	49,727,179 68	54,356,569 54
Conducting transportation....	146,079,530 18	152,044,601 27
General expenses.....	8,221,796 39	9,029,429 71
Allotted to passengers.....	\$96,703,980 25	\$101,235,784 75
Allotted to freight.....	151,218,038 18	160,935,853 85
Total operating expenses.....	\$247,922,018 43	\$262,171,638 60
Income Account.		
Gross earnings from operation as above.....	\$348,813,233 45	\$378,480,470 09
Less operating expenses.....	247,922,018 43	262,171,638 60
Net earnings from operation	\$100,891,215 02	\$116,308,831 49
Add income from other sources.....	20,428,782 64	23,262,965 40
Gross income from all sources.....	\$121,319,997 66	\$139,571,796 89
Deductions from Gross Income		
Interest*.....	\$34,097,712 23	\$37,568,198 86
Rentals of leased lines†.....	30,591,843 88	30,297,264 24
Taxes‡.....	12,353,402 92	13,639,045 45
Miscellaneous.....	5,490,266 35	17,425,789 60
Total deductions from gross income.....	\$82,533,225 38	\$98,930,298 25
Net income from all		

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years Ending June 30, 1905 and 1906.

STEAM SURFACE RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
<i>Payments from Net Income.</i>		
Dividends\$.....	\$24,289,419 00	\$27,030,198 75
Miscellaneous.....	316,287 39	300,888 62
Total payments from net income.....	\$24,605,706 39	\$27,331,087 37
Surplus for year.....	\$14,181,065 89	\$13,310,411 27
<i>Mileage.</i>		
Miles of road built and operated, main line.....	18,325.46	18,390.73
Miles of additional track.....	6,151.25	6,309.73
Miles of sidings.....	10,528.37	10,964.10
Total miles of track.....	35,005.08	35,664.56
Miles of road in New York State.....	8,254.18	8,274.34
Miles of track in New York State.....	15,949.61	16,266.51
<i>Equipment.</i>		
Locomotives, 10 drivers.....	9	14
Locomotives, 8 drivers.....	2,379	2,696
Locomotives, 6 drivers.....	3,611	3,869
Locomotives, 4 drivers.....	2,656	2,525
Locomotives, inspection.....	13	18
Locomotives, electric.....	2	3
Total number of locomotives.....	8,670	9,125
Cars, sleeping, parlor, dining, buffet, etc.....	390	412
Cars, first-class passenger.....	5,473	5,631
Cars, second-class passenger.....	489	470
Cars, combination passenger and baggage.....	1,236	1,248
Cars, baggage, mail and express.....	2,341	2,438
Cars, electric motors.....	209	328
Total number of cars for passenger traffic..	10,138	10,527
Total number of cars for freight traffic..	292,113	307,312
†Used by lessors as follows (see Table D)		
	June 30, 1905.	June 30, 1906.
Interest.....	\$9,482,202 27	\$9,601,590 28
Dividends.....	7,776,762 18	7,838,116 00
Not designated and paid outside lines.....	12,822,819 48	12,857,558 01
Total rental of leased lines.....	\$30,501,843 88	\$30,297,254 24
*Total interest as per above table and note.....	\$42,579,974 50	\$47,109,799 19
‡Dividends as per above table.....	\$24,289,419 00	\$27,080,198 75
Portion of rentals of leased lines paid in dividends by lessor	7,776,762 18	7,838,116 00
Total dividends as per above table and note.....	\$32,066,181 13	\$34,868,314 75
†Taxes paid in State of New York.....	\$4,941,773 24	\$5,306,819 94
Taxes paid outside of State of New York.....	7,411,623 68	8,332,225 51
Total.....	\$12,353,402 92	\$13,639,045 45

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years Ending June 30, 1905 and 1906.

STEAM SURFACE RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
<i>Traffic and Mileage Statistics.</i>		
Number of passengers carried in State of New York.....	97,060,279	105,757,975
Number of passengers carried, entire lines.....	229,889,356	249,635,037
Number of passengers carried one mile.....	5,261,298,854	5,668,224,819
Number of tons of freight carried in State of New York.....	142,662,742	160,029,609
Number of tons of freight carried, entire lines..	241,429,231	265,588,656
Number of tons of freight carried one mile....	32,822,854,252	36,113,596,724
Passenger train mileage.....	87,598,132	90,766,641
Freight train mileage.....	84,218,700	88,628,057
Mixed train mileage.....	2,878,138	2,912,042
Total train mileage.....	174,694,970	182,304,740
<i>Per passenger per mile:</i>		
Passenger earnings (cents)*.....	2.137	2.154
Passenger expenses (cents).....	1.838	1.786
Passenger profit (cents).....	.299	.368
<i>Per passenger train mile:†</i>		
Passenger earnings*.....	\$1 24	\$1 30
Passenger expenses.....	1 07	1 08
Passenger profit.....	17	22
<i>Per ton of freight per mile:</i>		
Freight earnings (cents)†.....	0.721	0.709
Freight expenses (cents).....	0.461	0.445
Freight profit (cents).....	0.260	0.264
<i>Per freight train mile:‡</i>		
Freight earnings†.....	\$2 71	\$2 80
Freight expenses.....	1 73	1 76
Freight profit.....	98	1 04
<i>Per mile of road operated:</i>		
Passenger earnings*.....	\$6,136 70	\$6,639 66
Passenger expenses.....	5,277 02	5,504 72
Passenger profit.....	859 68	1,134 94
Freight earnings‡.....	12,897 64	13,940 29

*Including mail, express and miscellaneous earnings.

†Computed on passenger and freight train mileage with mixed train mileage added.

‡Including miscellaneous earnings.

COMPARISON of quarterly reports of principal steam railroads operating wholly or partly in New York State for the three months ending September 30, 1905, and September 30, 1906.

ROAD.	1905.			1906.		
	Gross earnings from operation.	Operating expenses.	Net earnings from operation.	Gross earnings from operation.	Operating expenses.	Net earnings from operation.
Boston and Maine.....	\$10,449,587 45	\$7,165,966 45	\$3,283,921 00	\$11,219,155 25	\$7,865,790 91	\$3,353,434 34
Buffalo, Rochester and Pittsburgh.....	2,370,206 09	1,267,233 49	1,102,972 60	2,039,632 68	1,242,927 14	793,805 54
Delaware and Hudson.....	3,314,197 68	1,956,449 49	1,357,748 19	3,875,538 19	2,032,265 11	1,843,273 08
Delaware, Lockawanna and Western*.....	2,876,523 37	1,489,235 56	1,387,288 21	3,291,298 57	1,466,567 01	1,824,732 56
Dunkirk, Allegheny Valley and Pittsburgh.....	90,034 77	88,644 64	1,389 73	3,82,331 72	79,025 88	3,305 84
Elmira and Lake Ontario.....	253,993 21	239,018 98	14,974 23	307,376 80	261,813 94	45,562 86
Elmira and Williamsport.....	317,917 72	272,762 91	45,154 81	411,408 11	324,921 86	86,486 25
Erie.....	11,780,069 01	7,588,662 29	4,191,376 72	12,295,972 84	8,162,928 60	4,133,044 24
Lake Shore and Michigan Southern.....	10,069,253 17	8,255,646 18	1,813,606 99	11,177,682 34	8,932,551 04	2,245,131 30
Lehigh Valley*.....	2,829,029 74	1,733,957 20	1,095,072 54	2,940,000 46	1,742,108 92	1,197,891 54
Long Island.....	3,617,204 66	1,795,703 77	821,500 89	3,191,418 98	2,024,491 69	1,166,927 29
New Jersey and New York.....	123,555 31	100,655 85	22,899 46	134,080 20	105,840 37	28,239 83
New York Central and Hudson River.....	22,729,159 12	15,962,707 13	6,766,451 99	23,955,348 09	17,165,086 07	6,800,262 02
New York, Chicago and St. Louis.....	2,169,869 19	1,629,301 68	560,567 51	2,430,752 45	1,819,492 65	611,259 80
New York, New Haven and Hartford.....	13,849,515 25	8,993,930 06	4,855,585 19	14,299,619 65	8,927,572 45	5,372,047 20
New York, Ontario and Western.....	2,147,457 00	1,390,833 00	756,624 00	2,368,641 99	1,387,911 37	980,730 62
Rutland.....	737,300 42	1,497,531 07	239,769 35	811,066 66	563,702 95	247,353 71
Staten Island Railway.....	65,583 90	60,260 54	5,323 36	65,206 30	54,108 75	11,097 55
Staten Island Rapid Transit.....	181,696 68	134,629 04	47,067 64	244,604 26	157,709 18	86,895 08
Syracuse, Binghamton and New York.....	359,905 36	203,636 93	156,268 42	382,650 81	233,840 27	148,810 54
Western New York and Pennsylvania.....	1,804,001 91	1,348,000 12	456,001 79	2,086,755 82	1,546,152 13	540,603 69
	\$90,956,040 90	\$62,174,496 38	\$28,781,544 52	\$97,410,527 17	\$66,089,637 29	\$31,320,889 88

SUMMARY.

	1905.	1906.
Gross earnings from operation.....	\$90,956,040 90	\$97,410,527 17
Operating expenses.....	62,174,496 38	66,089,637 29
Net earnings from operation.....	\$28,781,544 52	\$31,320,889 88
Increase in gross earnings from operation in 1906.....		\$6,454,486 27
Increase in operating expenses in 1906.....		3,915,140 91
Increase in net earnings in 1906.....		\$2,539,345 36

* Includes roads operated in this State only.

COMPARISON of quarterly reports of principal steam railroads operating wholly or partly in New York
State for the three months ending September 30, 1905, and September 30, 1906.

d denotes deficiency.

ROAD.	1905.			1906.		
	*Total income.	†Total expenses.	Net income.	*Total income.	†Total expenses.	Net income.
Boston and Maine.....	\$10,567,137 79	\$9,204,505 30	\$1,362,632 49	\$11,367,832 47	\$9,933,319 20	\$1,434,513 47
Buffalo, Rochester and Pittsburgh.....	2,378,869 67	1,724,357 46	654,512 21	2,050,439 11	1,710,159 61	340,279 50
Delaware and Hudson.....	3,314,197 68	2,703,260 28	610,937 40	3,875,538 19	2,720,101 64	955,436 55
Delaware, Lackawanna and Western.....	2,876,623 37	2,107,215 18	769,308 59	3,291,295 57	2,081,791 28	1,209,504 28
Dunkirk, Allegheny Valley and Pittsburgh.....	90,354 37	92,190 64	d1,836 27	82,451 72	82,571 88	d120 16
Elmira and Lake Ontario.....	255,632 22	257,993 25	d2,361 03	308,672 33	276,337 19	32,335 14
Elmira and Williamsport.....	317,917 72	314,190 48	3,727 24	411,406 11	367,811 74	43,594 37
Erie.....	11,843,638 97	10,453,355 79	1,390,283 18	12,412,461 61	11,201,043 34	1,211,418 17
Lake Shore and Michigan Southern.....	10,866,253 17	9,815,646 18	1,053,606 99	12,002,682 94	10,957,551 29	1,045,131 05
Lehigh Valley.....	2,629,029 74	2,007,819 70	621,210 04	2,940,000 48	2,021,371 42	918,629 04
Long Island.....	2,752,192 95	2,426,867 77	325,325 18	3,253,325 05	2,774,986 61	478,338 44
New Jersey and New York.....	124,987 67	116,202 10	8,785 57	135,744 03	121,187 46	14,556 57
New York Central and Hudson River.....	24,856,125 56	21,641,396 63	3,214,728 93	26,154,703 40	22,638,248 06	3,516,455 36
New York, Chicago and St. Louis.....	2,192,803 50	1,951,976 28	240,826 22	2,432,723 35	2,140,699 12	292,124 23
New York, New Haven and Hartford.....	13,937,851 14	11,326,778 86	2,611,072 28	14,871,588 50	12,186,257 71	2,706,330 79
New York, Ontario and Western.....	2,256,178 00	1,760,302 00	495,876 00	2,453,362 53	1,779,083 85	704,328 98
Rutland.....	739,037 99	643,488 49	95,549 50	822,919 87	1,744,289 39	78,650 98
Staten Island Railway.....	100,133 52	83,409 29	16,724 23	82,516 20	62,516 20	20,000 00
Staten Island Rapid Transit.....	190,439 52	175,300 30	15,139 22	207,465 26	207,465 26	0 00
Syracuse, Binghamton and New York.....	359,903 35	210,094 43	149,808 92	382,454 56	276,365 27	106,089 29
Western New York and Pennsylvania.....	1,804,001 91	1,633,710 71	150,291 20	2,086,755 52	1,846,512 44	240,243 38
	\$94,437,121 07	\$80,704,960 68	\$13,732,160 39	\$101,494,081 86	\$86,110,489 56	\$15,383,592 30

SUMMARY.

	1905.	1906.
Income from all sources.....	\$94,437,121 07	\$101,494,081 86
Total expenditures.....	80,704,960 68	86,110,489 56
Net income.....	\$13,732,160 39	\$15,383,592 30
Increase in income from all sources in 1906.....		\$7,056,960 79
Increase in total expenditures in 1906.....		5,405,528 88
Increase in net income in 1906.....		\$1,651,431 91

* Includes gross earnings and income from other sources than operation. † Includes operating expenses, all fixed charges and miscellaneous deductions.
‡ Includes roads operated in this State only.

Accidents on Steam Surface Railroads.

The statement of accidents on steam surface railroads in this State which follows is for the year ending June 30, 1906, compared with the year ending June 30, 1905. The total number of persons killed in 1906 was 959, injured 2,105; in 1905, killed 903, injured 1,961. These figures include persons not passengers or employees, as well as passengers and employees. Fifty-six more persons were killed and 144 more injured in 1906 than in 1905.

Twenty-three passengers were killed and 342 injured in 1906, compared with 15 killed and 265 injured in 1905. In 1906, 5 passengers were killed in collisions, 12 while getting on or off trains in motion, or through falling from train, engine or car, 5 while on the track, and 1 found dead on track. In 1906, 186 passengers were injured in collisions, 70 in derailments, 51 while getting on or off trains in motion, or falling from train, engine or car, 5 in putting heads or arms out of windows, or through missiles thrown, 1 walking or being on track, 8 from other train accidents, and 21 from other causes.

The following table shows the number of passengers and employees killed and injured in this State in each of the past five years:

	PASSENGERS.			EMPLOYEES.	
	Killed.	Injured.		Killed.	Injured.
1902.....	37	483	1902.....	251	1,001
1903.....	19	278	1903.....	322	1,122
1904.....	12	446	1904.....	329	1,587
1905.....	15	265	1905.....	336	1,344
1906.....	23	342	1906.....	357	1,424
Total.....	106	1,814	Total.....	1,595	5,478
Average.....	21	363	Average.....	319	1,096

The average for the past five years is 21 passengers killed and 363 injured yearly. This average is 2 less killed and 21 more injured than in 1906. The average for the five years for employees is 319 killed and 1,096 injured. This average is 38 less killed and 328 less injured than in 1906.

The number of passengers carried in the State of New York by steam surface railroads during the year ending June 30, 1906, was 105,757,975; 1 passenger was killed for each 4,593,173 carried, and 1 injured for each 309,234 carried. In 1905 1 passenger was killed for each 6,470,685 carried, and 1 injured for each 366,265 carried.

In 1906, 357 employees were killed and 1,424 injured; in 1905, 336 were killed and 1,344 injured. In 1906, 44 employees were killed and 205 injured through falling from train, engine or car; in 1905, 39 employees were killed and 201 injured from this cause. In 1906, 18 employees were killed and 190 injured in getting on or off trains in motion; in 1905, 15 were killed and 183 injured from this cause. In 1906, 14 employees were killed and 44 injured through striking low bridges, tunnels, etc.; in 1905, 13 were killed and 77 injured from this cause. In 1906, 17 employees were killed and 87 injured in coupling or uncoupling cars; in 1905, 19 were killed and 82 injured from this cause. In 1906, 192 employees were killed and 112 injured through walking or being on track; in 1905, 184 were killed and 126 injured from this cause. In 1906, 3 employees were found dead on track; in 1905, 3. In 1906, 2 employees were killed at highway crossings protected by gates or flagmen, and none injured; in 1905, none were killed, but 1 was injured at such crossings. In 1906, no employees were killed or injured at highway crossings not protected by gates or flagmen; in 1905, none were killed or injured at such a crossing. In 1906, 1 employee was killed and 1 injured by catching feet in frogs or guard rails; in 1905, none were killed, although 2 were injured from this cause.

In 1906, 13 employees were killed and 53 injured in derailments; in 1905, 6 were killed and 24 injured in derailments. In 1906, 6 employees were killed and 11 injured in butting collisions; in 1905, 18 were killed and 22 injured in such collisions. In 1906, 4 employees were killed and 3 injured in collisions between trains and hand cars; in 1905, 1 was killed and none injured in such collisions. In 1906, 20 employees were killed and 80 injured in rear collisions; in 1905, 17 were killed and 62 injured from this cause. In 1906, 3 employees were killed and 9 injured in locomotive boiler explosions; in 1905, 8 were killed and 11 injured from this cause. In 1906, 11 employees were killed and 125 injured in other train accidents; in 1905, 9 were killed and 131 injured in such accidents. In 1906, 9 employees were killed and 504 injured from other causes not above specified; in 1905, 2 were killed and 422 injured from said causes. In 1906, no employees were killed or injured in casualties not caused by train, engine or car; in 1905, 2 were killed and none injured in such manner.

In compiling these statistics, persons who are killed or injured, who are not passengers or employees, are classed as "others." The total number of "others" killed in 1906 was 579, injured, 339; in 1905, the number killed was 552, injured 352. The number of "others" killed in 1906 while walking or being on track was 279, injured, 134; in 1905, the number killed was 273, injured, 124. In 1906, 144 "others" were found dead on track; in 1905, 115. In 1906, 30 "others" were killed and 72 injured in getting on or off trains in motion; in 1905, 40 were killed and 67 injured. In 1906, 13 "others" were killed and 25 injured by falling from train, engine or car; in 1905, 18 were killed and 22 injured. In 1906, 6 "others" were killed and 3 injured by striking low bridges, tunnels, etc.; in 1905, 8 were killed and 8 injured. In 1906, none "others" were killed in derailments; in 1905, 1 was killed. In 1906, none "others" were killed, but 3 were injured in rear collisions between trains; in 1905, 1 was killed and 11 injured. In 1906, 3 "others" were injured in collisions with hand cars. In 1906, 1 "other" was killed, and 9 injured at grade crossings of railroads; in 1905, 11 were injured — all these being in street cars.

In 1906, 106 persons (including 2 employees), were killed and 66 persons were injured at street and highway grade crossings of steam railroads protected and unprotected by gates or flagmen; in 1905, 96 persons were killed and 76 persons (including 1 employee), were injured at such crossings. In 1906, 41 persons (including 2 employees — crossing flagmen), were killed and 12 injured at such crossings protected by gates or flagmen; in 1905, 24 persons were killed and 12 (including 1 employee — a crossing flagman), injured at such crossings protected by gates or flagmen. In 1906, 65 persons were killed and 54 injured at such crossings not protected by gates or flagmen; in 1905, 72 persons were killed and 64 injured at such crossings not protected by gates or flagmen.

These accidents are reported to this Board by telegraph and by mail. Accidents in shops are not reported. The following is a table of accidents compiled from these reports, classified as to their causes. The classifications are those adopted by this Board from statements concerning each case. Accidents on street surface and elevated railroads are referred to later in this report.

TABLE OF ACCIDENTS on steam surface railroads reported to the Board of Railroad Commissioners, classified as to cause, for the year ending June 30, 1906.

BOARD OF RAILROAD COMMISSIONERS.

xxi

CAUSE OF ACCIDENT.

	PASSENGERS.				EMPLOYEES.				OTHERS.				TOTAL.	
	1906.		1905.		1906.		1905.		1906.		1905.		1906.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from train, engine or car.....	3	5	3	3	44	205	39	201	13	25	18	67	60	235
Getting on or off trains in motion.....	9	46	8	41	18	190	15	183	30	72	40	67	57	308
Striking low bridges, tunnels, etc.....				2	14	44	13	77	6	3	8	8	20	47
Passengers putting head or arms out of windows, or missiles thrown in windows, etc.....	5	5	5										5	5
Coupling or uncoupling cars.....					17	87	19	82					17	87
Walking or being on track.....	5	1	2		192	112	184	136	279	134	273	124	476	247
Found dead on track.....	1				3		3		144		115		148	
Crossing track at highways:														
Protected with gates or flagmen.....					2		1		39	12	24	11	41	12
Not protected with gates or flagmen.....									65	54	72	64	65	54
Catching foot in frog or between rails.....					1	1	2		1	1			1	2
Derailment by misplaced switch.....	23				1	5	1		1				1	28
Derailment by broken rail.....					1	3							1	3
Derailment by broken axle.....					1									
Derailment by obstruction on track.....	10				4	7	2	1			1		4	17
Derailment from causes undetermined.....	21				3	24	2	20			1		3	45
Derailment by defective track.....	12				2	7	1	2					2	19
Derailment of train running off the derail.....	1				2	4							2	5
Derailment by broken wheel.....	3				3								3	6
Collisions, butting, by mistake or neglect of orders or signal.....	1	12	1	28	6	8	18	22					7	20
Collisions, butting, by misplaced switch.....						3							3	3
Collisions, rear, by misplaced switch.....	2				8	1	5	2	3				1	7
Collisions, rear, by mistake or neglect of orders or signals.....	4	155	1	59	18	49	13	38		3		10	22	207
Collisions, rear, by parting of train.....					3	1	6						1	6
Collisions, rear, with hand car.....					4	3	1			3			4	6
Collisions, rear, from undetermined causes.....	17				6	20	2	12			1		37	3
Collisions, at grade crossings of railroads.....									1	9			1	9
Collisions, rear, by error of telegraph operator.....									2				1	2
Locomotive explosions.....					3	9	8	11					3	9
Other train accidents.....	8				14	11	125	9	131	1	6		11	12
Other causes.....	21				24	504	2	422	1	17		21	10	582
Casualties not caused by trains, engines or cars.....														2
From causes beyond their own control.....	23	342	15	265	357	1,424	336	1,344	579	339	552	352	959	2,105
By their own misconduct or inattention.....	5	266	2	186	15	220	4	126	4	16	21	21	54	502
Reported as caused by intoxication.....	17	76	12	73	312	1,204	292	1,218	565	315	538	324	894	1,615
	1		1	3					10	12	14	7	11	12
														15
	23	342	15	265	357	1,424	336	1,344	579	339	552	352	959	2,105
														903
														1,961

From causes beyond their own control
By their own misconduct or inattention
Reported as caused by intoxication

The Grade Crossing Law.

The Grade Crossing Law (which amends the Railroad Law, sections 60-69) provides as follows:

1. In section 60, that "all steam surface railroads, hereafter built except additional switches and sidings, must be so constructed as to avoid all public crossings at grade, whenever practicable so to do * * * and the said board (of railroad commissioners) shall determine whether such crossings shall be under or over the proposed railroad, except where said board shall determine such method of crossing to be impracticable."

2. In section 61, that no new street, avenue or highway shall be constructed across a steam railroad except in a manner to be determined by this Board.

3. In section 62, a method for abolishing existing grade crossings of steam railroads.

The provisions of the act also apply to "all existing or future steam surface railroads, on which, after the passage of this act, electricity or some other agency than steam shall be substituted as a motive power."

The cost of building new steam railroads at grade or over or under the grade of streets, avenues or highways must be borne by the company. The cost of building new street, avenue or highway crossings at grade or over or under the grade of steam railroads must be borne, half by the company and half by the municipality. The cost of abolishing existing street, avenue or highway grade crossings of steam railroads must be borne, 50 per cent. by the company, 25 per cent. by the State and 25 per cent. by the municipal corporation.

The law also provides (in section 68) that "all steam railroads hereafter constructed across the tracks of any other railroad and any street surface railroad hereafter constructed across a steam railroad shall be above, below or at grade of such existing railroad as the board of railroad commissioners shall determine, and such board shall in such determination fix the proportion of expense of such crossing to be paid by each railroad." At many points in this State steam railroads cross each other at grade and while, under section 36 of the railroad law, all trains and locomotives must come to a full stop before crossing unless the crossing is protected by an interlocking plant approved by this Board, still the dangers at such crossings where the interlocking plant does not exist are great. Even with interlocking there are dangers.

This Board believes that section 36 should be amended by empowering this Board to order that in particular cases such crossings at grade of steam railroads must be changed from grade at the expense of the companies, this Board to apportion the expense between the companies.

In addition to the crossings changed from grade under section 62, crossings in Buffalo have been changed from grade under the special acts applying to that city; crossings of the Long Island Railroad and of the Brooklyn Heights electric railroad in Brooklyn have been changed from grade under special acts; the Harlem River and Port Chester branch of the New York, New Haven and Hartford Railroad in its reconstruction has avoided grade crossings. There are now but two grade crossings of steam railroads left in Schenectady, the others having been changed to undercrossings, in the expense of which the State participates, and these two will be changed to undercrossings during the year. In the changing of its motive power to electricity, the New York Central and Hudson River Railroad Company contemplates the elimination of all grade crossings on its Hudson river division from Croton to New York and on its Harlem division from North White Plains to New York. The State is asked to participate in the cost of this work and this Board has already made determinations under section 62 affecting the crossings in Yonkers. In the amendments to the good roads act of last winter there is a provision as to the abolition of crossings where highways are to be improved, and while this amendment is indefinite in language it is at least a renewed determination by the State that grade crossings should be abolished.

At the end of this title will be found a balance sheet of the appropriations made by the State for the abolition of grade crossings. These begin with 1898; in 1902 and 1903 no appropriations were made. Including a special appropriation of \$75,000 for Schenectady, the total is \$1,067,606.92. This is a comparatively small amount in view of the great number of crossings in the State, a table of which is published under this title. Massachusetts in sixteen years has appropriated for this purpose \$10,000,000. It would seem that the State of New York should be as forward at least as Massachusetts in this work.

Following will be found a statement of every determination (where a crossing was to be closed or changed from grade) under section 62 made by this Board, to the time of writing this report,

except as to one crossing in the town of Alfred, Allegany county, which was closed in 1897, and one crossing in Binghamton, which was closed in 1898, both without expense to the State. This statement is divided by years, except that the determinations made in 1898 are included under the title "1899." It will be seen that work has not been begun at a few of the crossings; that some determinations have been annulled; that three have been turned over to the attorney-general for his action because of failure of local authorities to acquire necessary land, and that the work at others of the crossings is proceeding. The width of bridges carrying the street or highway given is from center to center of trusses, except where otherwise stated. It will also be seen from this statement that 174 grade crossings of steam railroads have either been changed from grade or the crossings closed. In seven instances farm gates have been erected where an open crossing existed before. In two instances crossings have been closed to vehicles while being left open to foot passengers. In one instance a subway to accommodate pedestrians has been built, although vehicular traffic continues to cross at grade. Counting these farm crossings and pedestrian crossings the total number of crossings now closed or changed from grade under this statute is 184. In some other instances grade crossings have been closed and others and safer grade crossings differently located have been opened.

1899.

1. Under-crossing of the New York Central and Hudson River Railroad, in the village of Shortsville. This work is completed. The total cost was \$5,598.40. The State's proportion, which has been paid, was \$1,399.60. The under-crossing is 22 feet wide between abutments; clear headroom, 12 feet. The bridge carrying the railroad is of steel. (General Case No. 1914.)

2. One over-crossing and discontinuance of two other crossings at Brookview on the Boston and Albany Railroad. This work is completed. The total cost was \$24,459. The State's proportion, which has been paid, was \$6,114.75. The two bridges carrying the highway are of steel; one 73 feet 4 inches long, and the other 25 feet 13 inches long; the first 27 feet 1 inch wide, and the other 26 feet 6 inches wide, with a sidewalk of 5 feet 9 inches. The approaches to the bridges are about 292 and 455 feet long on one side, and about 200 feet long on the other side and about 25 feet wide. The clearance from top of rail is 18 feet. One bridge carries the highway over the railroad and the other bridge, connecting with the first, carries it over another highway. (Grade Crossing Case No. 4.)

3. Two grade crossings of the Mohawk and Malone branch of the New York Central and Hudson River Railroad, near the Lake Clear station, closed, and connecting piece of highway constructed. This work is completed. The total cost was \$353.53. The State's proportion, which has been paid, was \$88.38. (Grade Crossing Case No. 13.)

4. Three grade crossings of the New York, Ontario and Western Railway, near the Solsville station on said railway, closed. This work is completed. New pieces of highway were constructed. The total cost was \$4,300.66. The

State's proportion, which has been paid, was \$1,075.16. (Grade Crossing Case No. 8.)

5. Closing of two grade crossings of the New York, Ontario and Western Railway, at Liberty, and the construction of a bridge over the railway. This work is completed. The total cost was \$3,774.78. The State's proportion, which has been paid, was \$943.69. The bridge is wood, 102 feet long and 17 feet wide. New pieces of highway were also constructed. (Grade Crossing Case No. 2.)

6. Changing the Bridge street crossing of the New York Central and Hudson River Railroad in the village of St. Johnsville, from grade to an over-crossing. This work is completed. The total cost was \$31,246.29. The State's proportion, which has been paid, was \$7,811.57. The bridge over the tracks (steel) is 122 feet long and 25 feet wide, with one sidewalk 5 feet wide. Clear height above rail, 21 feet. The approaches are 24 feet wide, and, on one side, are about 240 feet long and on the other side about 575 and 480 feet long. The north approach is partially steel and partially fill retained by walls; the steel portion is 120 feet long, and the filled portion about 120 feet long. The south approaches are fills retained by side walls. (Grade Crossing Case No. 15.)

7. Closing of the lower Meekerville road grade crossing of the Mohawk and Malone branch of the New York Central and Hudson River Railroad, in the town of Forestport, Oneida county. This crossing has been closed and a new piece of highway constructed, connecting with the Upper Meekerville road grade crossing of the railroad. The total cost was \$1,030.66. The State's proportion, which has been paid, was \$259.91. (Grade Crossing Case No. 14.)

8. Closing of a crossing of the New York Central and Hudson River Railroad, in the town of Glenville, Schenectady county, known as Rector's crossing, and the construction of a new piece of highway connecting with an existing grade crossing which is protected by gates. This work is completed. The total cost was \$1,357.01. The State's proportion, which has been paid, was \$339.25. (Grade Crossing Case No. 11.)

9. Closing of two grade crossings of the New York, Ontario and Western Railway known as the Roots and Milk Station Crossings, at Guilford, and the construction of a bridge and connecting pieces of highway. This work is completed. The (steel) bridge (which is across the outlet of Guilford lake) is 96 feet long and 16 feet wide. The total cost was \$7,096.26. The State's proportion, which has been paid, was \$1,774.06. Since this payment a further sum of \$600 was paid for land damages, of which amount the State paid its proportion, viz., \$150. (Grade Crossing Case No. 9.)

10. Changing the Ridge road grade crossing of the Buffalo, Rochester and Pittsburgh Railway, in the town of West Seneca, Erie county, from grade to an overhead crossing. This work is completed. The bridge (steel) is 35½ feet long and 40½ feet wide; clear headroom, 21 feet. The total cost was \$13,439.86. The State's proportion, which has been paid, was \$3,359.96. (Grade Crossing Case No. 6.)

11. Changing the Jamestown street grade crossing of the Erie Railroad, in the village of Randolph, Cattaraugus county, to an under-crossing, and closing the Fifth avenue grade crossing of the railroad and diverting the travel therefrom by the construction of a new piece of highway to the Jamestown street under-crossing. This work is completed. The under-crossing at Jamestown street is 30 feet wide between abutments. The clear headroom is 12 feet. The bridge carrying the railroad is of steel. The connecting piece of highway is 50 feet wide and 625 feet long. The total cost was \$13,551.28. The State's proportion, which has been paid, was \$3,387.82. (Grade Crossing Case No. 17.)

12. Changing the Ireland road crossing of the Erie Railroad, in the town of Randolph, Cattaraugus county, from a grade crossing to an under-crossing. This work is completed. The under-crossing is 24 feet wide between abutments. The clear headroom is 12 feet. The bridge carrying the railroad is of steel. The total cost was \$5,051.51. The State's proportion, which has been paid, was \$1,262.88. (Grade Crossing Case No. 16.)

13. Changing the Woodlawn avenue grade crossing of the Erie Railroad, in the city of Elmira, to an under-crossing, and closing the Reformatory street

crossing and connecting it, by the construction of a new piece of street, with the under-crossing at Woodlawn avenue. This work is completed. The under-crossing is 50 feet wide between abutments, with two sidewalks each 10 feet wide. The clear headroom is 12 feet. The bridge carrying the railroad is of steel. The highway connecting the streets is 50 feet wide. The total cost was \$23,687.65. The State's proportion, which has been paid, was \$5,921.91. (Grade Crossings Cases Nos. 22 and 31.)

14. Changing the Crosby road grade crossing of the Western New York and Pennsylvania Railway, in the town of Holland, Erie county, from grade to an over-grade crossing. This work is completed. The total cost was \$2,297.09. The State's proportion, which has been paid, was \$574.27. The bridge is of steel, 87 feet 2 inches long and 16 feet wide. The approaches are 18 feet wide, and on one side are about 150 feet long and on the other side about 250 feet long. The clearance from top of rail is 20 feet. (Grade Crossing Case No. 24.)

15. Closing of two grade crossings of the Buffalo, Rochester and Pittsburgh Railway, near its station known as Hardy's or Pike, in Wyoming county, the highways being connected and carried over the railway by means of one bridge. This work is completed. The total cost was \$5,417.25. The State's proportion, which has been paid, was \$1,354.31. The bridge is of steel, 100 feet long and 20 feet wide. The approaches are 20 feet wide, and on one side are about 150 feet long and on the other side about 550 and 175 feet long. The clearance from top of rail is 20 feet 6 inches. (Grade Crossing Case No. 34.)

16. Closing of a grade crossing of the Buffalo, Rochester and Pittsburgh Railway by a highway known as the Guthrie road, near Mumford station on said railway, in Monroe county, and diverting the travel to an existing grade crossing. This work involved the building of a connecting piece of highway. It is completed. The total cost was \$732.57. The State's proportion, which has been paid, was \$183.14. (Grade Crossing Case No. 37.)

17. Changing the LeRoy and Roanoke road highway grade crossing of the Buffalo, Rochester and Pittsburgh Railway, at a point known as Haskins crossing, near LeRoy station, from grade to an overhead crossing. This work is completed. The total cost was \$8,375.64. The State's proportion, which has been paid, was \$2,093.91. The bridge is of steel, 100 feet long and 20 feet wide. The approaches are about 220 feet long on one side and about 200 feet long on the other side, and 20 feet wide. The clearance from top of rail is 20 feet 6 inches. (Grade Crossing Case No. 30.)

18. Closing of four grade crossings of the Buffalo, Rochester and Pittsburgh Railway, in the town of Colden, Erie county, and the construction of a new piece of highway. This work is completed. The total cost was \$8,592.48. The State's proportion, which has been paid, was \$2,148.12. (Grade Crossing Case No. 28.)

19. Closing of two grade crossings of the Dunkirk, Allegheny Valley and Pittsburgh Railroad, known as the Tracey and Lawson crossings, in the town of Carroll, Chautauqua county. The local authorities would not acquire the necessary land, and on February 5, 1903, this Board by order annulled the determination in this matter. (Grade Crossing Case No. 32.)

20. Changing of two grade crossings of the New York Central and Hudson River Railroad by Spencer street and Livingston avenue, in the city of Albany, to under-crossings. This work is completed. The total cost was \$115,600.17. The State's proportion, which has been paid, was \$28,900.04. The Spencer street crossing is 50 feet wide between abutments; clear headroom, 12 feet. The Livingston avenue crossing is 67 feet wide between abutments; clear headroom, 12 feet. The bridges carrying the railroad are of steel. (Grade Crossing Case No. 3.)

21. Closing of the Division avenue grade crossing of the Long Island Railroad, in the town of Brookhaven, Suffolk county. This work is completed, a connecting piece of highway built to another grade crossing protected by gates, and the Division avenue crossing closed. The total cost was \$4,202.57. The State's proportion, which has been paid, was \$1,050.64. (Grade Crossing Case No. 42.)

22. Closing of a grade crossing of the Long Island Railroad by Smith's road, in the town of Hempstead, Nassau county. This crossing has not been closed, the municipal corporation not having acquired the necessary land. The Board has turned the matter over to the Attorney-General. (Grade Crossing Case No. 88.)

23. Closing of the Atlantic avenue grade crossing of the Long Island Railroad in Arverne, New York city. This crossing has been made a private crossing without expense to the State. (Grade Crossing Case No. 100.)

24. Closing of a crossing of the Long Island Railroad by Overton avenue, in the town of Islip, Suffolk county. This crossing has been made a farm crossing only, although the petition, under section 62 of the Railroad Law, was denied. (Grade Crossing Case No. 51.)

25. Changing the Trotting Course Lane grade crossing of the New York and Rockaway Railroad, in ward 2, borough of Queens, New York city, from grade to an over-crossing. The local authorities would not acquire the necessary land, and on February 5, 1903, this Board by order, annulled the determination in this matter. (Grade Crossing Case No. 53.)

26. Closing of a grade crossing of the Long Island Railroad at a point known as Hyde's crossing, in the town of Islip, Suffolk county. This crossing has been made a farm crossing only, although the petition, under section 62 of the Railroad Law, was denied. (Grade Crossing Case No. 52.)

27. Closing of a grade crossing of the Long Island Railroad by Jones avenue, near the Bellmore station on said railroad. This crossing has been closed, without expense to the State. (Grade Crossing Case No. 91.)

28. Closing of a grade crossing of the Long Island Railroad by a highway known as the Swamp road, in the town of Hempstead, Nassau county. This crossing has been closed and a new piece of highway constructed to another crossing at grade of the railroad, without expense to the State. (Grade Crossing Case No. 97.)

29. Changing the Abbott road grade crossing of the Buffalo, Rochester and Pittsburgh Railway, near its Windom station, Erie county, to an under-crossing. This work is completed. The total cost was \$13,386.23. The State's proportion, which has been paid, was \$3,346.56. The crossing is 31 feet wide between abutments; clear headroom, 13 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 108.)

30. Closing of a grade crossing of the Delaware, Lackawanna and Western Railroad by the Mount Morris road, in the town of Leicester, Livingston county, the travel thereon being diverted to an existing under-crossing by the construction of new pieces of highway. This work is completed. The total cost was \$946.52. The State's proportion, which has been paid, was \$236.63. (Grade Crossing Case No. 41.)

31. Changing the Bevier street (Binghamton) grade crossings of the Syracuse, Binghamton and New York Railroad and the Albany and Susquehanna Railroad to under-crossings. These under-crossings are completed. The one under the Albany and Susquehanna Railroad is 29 feet 6 inches wide between abutments, and the overhead clearance is 13 feet. The one under the Syracuse, Binghamton and New York Railroad is 30 feet wide between abutments, and the overhead clearance is 13 feet 6 inches. The total cost of the one under the Albany and Susquehanna was \$7,977.56. The State's proportion, which has been paid, was \$1,994.39. The total cost of the other was \$10,973.89. The State's proportion, which has been paid, was \$2,743.47. The bridges carrying the railroads are of steel. (Grade Crossing Case No. 116.)

32. Closing of a grade crossing of the Long Island Railroad, in the town of Hempstead, Nassau county, by a highway known as Lafayette place. This crossing has been closed, without expense to the State. (Grade Crossing Case No. 95.)

33. Changing the Buell street grade crossing of the New York Central and Hudson River Railroad to an overhead crossing, in the town of Newstead, Erie county. This work is completed. The total cost was \$6,152.88. The State's proportion, which has been paid, was \$1,538.22. The over-crossing (which is of wood) is 257 feet 2 inches long and 16 feet wide. The approaches

are 80 feet long on one side, 240 feet and 200 feet long on the other side, and 20 feet wide. The clearance from top of rail is 21 feet. (Grade Crossing Case No. 40.)

34. Changing a grade crossing to an under-crossing on the Fitchburg Railroad (leased to and operated by the Boston and Maine Railroad), at Melrose, Rensselaer county. The company appealed to the courts from the determination of the Board that the under-crossing should be constructed, and the Board's determination was confirmed by the Court of Appeals. The under-crossing is constructed and in use, and a partial settlement of the expense amounting to \$6,437.13 on the part of the State has been made (the total expense up to that time having been \$25,748.53). The crossing is 30 feet wide between abutments and the overhead clearance is 13 feet. The drainage system, by order of the Board, has been revised and the work is now entirely completed. (Grade Crossing Case No. 1.)

35. Changing the Hastings cross-road grade crossing of the Western New York and Pennsylvania Railway, in the town of Olean, Cattaraugus county, to an overhead crossing. This work is completed. The total cost was \$4,617.74. The State's proportion, which has been paid, was \$1,154.43. The bridge (of steel) is 85 feet 2 inches long and 16 feet wide. The approaches are about 250 feet long on one side and about 165 feet long on the other side, and 18 feet wide. The clearance from the top of rail is 20 feet 2 inches. (Grade Crossing Case No. 19.)

36. Town board of the town of Bethlehem, Albany county. This was a case where the Board decided that an existing grade crossing of the West Shore Railroad should be closed and discontinued, and the travel thereon diverted to a new grade crossing of said railroad, by means of a connecting piece of highway. This work has been completed, and the old crossing is closed and the new one in use. No expense to the State. Access to the lands of Spencer S. Merchant was provided. (Grade Crossing Case No. 129.)

37. Changing the Chenango street (Binghamton) grade crossing of the Erie Railroad and the Delaware, Lackawanna and Western Railroad from grade to an over-crossing. The viaduct (of steel) is completed. The total cost was \$186,962.66. The State's proportion, which has been paid, was \$46,740.66. Since this payment a further sum of \$2,011.38 was paid for land damages, of which amount the State paid its proportion, viz., \$502.84. The steel portion is 473 feet 8 3-16 inches long and 50 feet wide, with two sidewalks 8 feet wide and with a plaza at the station of the Erie Railroad. The approaches are 118 feet 6 inches long and 50 feet wide on one side, and 209 feet long and 50 feet wide on the other. The clearance above the top rail is variable, with a maximum of about 18 feet. (Grade Crossing Case No. 116.)

38. City of Cohoes. Changing the Ontario street grade crossing of the Delaware and Hudson Company's Railroad from grade to an over-crossing. The local authorities would not acquire the necessary land and on February 5, 1903, this Board, by order, annulled the determination in this matter. (Grade Crossing Case No. 20.)

39. Changing the Butter Lane (Bridgehampton) grade crossing of the Long Island Railroad to an under-crossing. This work is completed. The under-crossing is 22 feet wide between abutments, and the overhead clearance is 11 feet. The bridge carrying the railroad is of steel. The total cost was \$5,218.13. The State's proportion, which has been paid, was \$1,304.53. (Grade Crossing Case No. 125.)

40. Changing the North Sea road grade crossing of the Long Island Railroad, in the village of Southampton, to an under-crossing. This work is completed. The under-crossing is 20 feet wide between abutments and the overhead clearance is 12 feet. The bridge carrying the railroad is of steel. The total cost was \$6,376.73. The State's proportion, which has been paid, was \$1,594.18. (Grade Crossing Case No. 142.)

41. Changing the High street grade crossing of the Erie Railroad, in the village of Attica, Wyoming county, to an under-crossing and closing the West Main street grade crossing of said railroad. This work is completed. The total cost was \$30,762.84. The State's proportion, which has been paid, was

\$7,690.71. The under-crossing is 43 feet wide between abutments, and the overhead clearance is 12 feet 6 inches. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 134.)

42. Closing two grade crossings of the Long Island Railroad, near its Kings Park station, and the construction of new pieces of highway. These crossings have been closed and the new pieces of highway constructed. The total cost was \$1,189.23. The State's proportion, which has been paid, was \$297.31. (Grade Crossing Case No. 132.)

1900.

1. Over-crossing of the Lehigh and Hudson River Railroad near the Stone Bridge station of said railway. This work is completed. The total cost was \$7,820.02. The State's proportion, which has been paid, was \$1,955.67. The bridge is of steel, about 180 feet long, 16 feet wide and 20 feet in the clear above the top of the rail of the railroad track. The approaches to the bridge are 250 feet long and 20 feet wide on one side and 100 feet long and 20 feet wide on the other. (Grade Crossing Case No. 110.)

2. Under-crossing of the Erie Railroad and the New York, Susquehanna and Western Railroad, in the city of Middletown (two under-crossings). This work is completed. The total cost was \$29,802.34. The State's proportion, which has been paid, was \$7,450.58. The Erie crossing is about 31 feet wide between abutments; clear headroom, 12½ feet. The other is 33 feet wide between abutments; clear headroom, 12½ feet. The bridges carrying the railroads are of steel. (Grade Crossing Case No. 113.)

3. Under-crossing of the Terminal Railway of Buffalo by the Abbott road highway, in the town of West Seneca, Erie county. This under-crossing is completed. The total cost was \$15,944.97. The State's proportion, which has been paid, was \$3,986.24. The under-crossing is 31 feet wide between abutments; clear headroom, 13 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 146.)

4. Under-crossing of the Buffalo, Rochester and Pittsburgh Railway near its Pavilion Center station, Genesee county. This under-crossing is completed. The total cost was \$5,871. The State's proportion, which has been paid, was \$1,467.94. The under-crossing is 20 feet wide between abutments; clear headroom, 12 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 131.)

5. Closing of the East street crossing of the New York Central and Hudson River Railroad, in the village of Fonda. The crossing is closed, without expense to the State. As stated in prior annual reports, the village has appealed to the courts from the determination of the Board, and several notices of proposed suits for damages by property owners have been filed with the Board, but at the time of writing this report no progress with these suits or with appeal has been made, so far as the Board is aware. (Grade Crossing Case No. 139.)

6. Closing of four highway grade crossings of the Ulster and Delaware Railroad at points at or near Browns' station on said railroad, the travel to be diverted by relocation of the highways to a new grade crossing at a point near the railroad station. This work is completed. The total cost was \$3,978.73. The State's proportion, which has been paid, was \$994.68. (Grade Crossing Case No. 148.)

7. Closing of two highway grade crossings of the Ulster and Delaware Railroad, about half a mile east of the West Hurley station on said railroad, the travel thereon to be diverted by the construction of new pieces of highway to an existing over-crossing of the railroad (a new bridge to be built at that point), and to an over-crossing of the railroad to be constructed. The town would not acquire the necessary land. During 1903 the company proposed to construct a new piece of highway (without expense to the State or town); and thus avoid crossing the railroad at the two grade crossings, the crossings to be closed; to this, the Board informed the company, it had no objection. This new piece of highway has not been constructed, and the

determination has been annulled by this Board, the annulment determination being printed in this volume. (Grade Crossing Case No. 150.)

8. Closing of two highway grade crossings of the Ulster and Delaware Railroad, known as McKelvey's crossings, between the West Hurley and Olive Branch stations on said railroad, the travel thereon to be diverted by the construction of new pieces of highway to an existing under-crossing of the railroad. These crossings have been closed, and the pieces of highway constructed. The total cost was \$669.88. The State's proportion, which has been paid, was \$167.47. (Grade Crossing Case No. 151.)

9. Under-crossing of the Boston and Albany Railroad by Chatham street, in the town of Kinderhook, Columbia county. The Board determined that this crossing should be changed from grade to an under-crossing. The town appealed under the statute, and the determination was confirmed by the Court of Appeals. This work is completed. The under-crossing is 26 feet wide between abutments and the overhead clearance is 13 feet. The total cost was \$27,974.42. The State's proportion of this cost, which has been paid, was \$6,993.61. (Grade Crossing Case No. 160.)

10. Proceeding by this Board, under section 66 of the Railroad Law, resulting in the closing and discontinuance, except for foot passengers, of two grade crossings of the New York Central and Hudson River Railroad, in the town of Wappingers, Dutchess county, near the Low Point station, on said railroad without expense to the State. These two crossings are closed except for foot passengers. (Grade Crossing Case No. 164.)

11. Over-crossing of the New York, Chicago and St. Louis and the Western New York and Pennsylvania railroads by a highway known as the Overhead Bridge road, in the town of Evans, Erie county. The highway also crosses the Lake Shore and Michigan Southern Railway, nearby, by an overhead bridge. This work has been completed. The total cost was \$7,122.10. The State's proportion, which has been paid, was \$1,780.52. The bridge is of steel, about 90 feet long, 19 feet wide and 21 feet in the clear above the top of the rail of the railroad tracks. The approaches to the bridge are approximately 240 feet long on one side and 100 feet on the other, and are about 20 feet wide. (Grade Crossing Case No. 172.)

12. Under-crossing of the Northern Central Railway in the town of Southport, Chemung county, at a point known as Fenton's crossing. This under-crossing has been completed. The total cost was \$13,257.98. The State's proportion, which has been paid, was \$3,314.49. The under-crossing is 20 feet wide between abutments; clear headroom, 12 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 177.)

13. Closing of the Mill Lane highway grade crossing of the Long Island Railroad, in the town of Oyster Bay, Nassau county. The Board determined that this crossing should be consolidated with another grade crossing near by, which has been done, without expense to the State. (Grade Crossing Case No. 43.)

14. Closing of the Willis Lane highway grade crossing of the Long Island Railroad near the Syosset station on said railroad. The local authorities would not acquire the necessary land, and on March 11, 1903, the Board, by order, annulled the determination in this matter. (Grade Crossing Case No. 44.)

15. Closing of the old Lawrence street crossing of the Long Island Railroad at a point about 580 feet west of the Bridge street station on said railroad, in Flushing. At the time of writing this report this crossing has not been closed, the local authorities not having taken action to acquire land that may be necessary to be acquired. The matter has been referred to the Attorney-General. (Grade Crossing Case No. 54.)

16. Closing of the Newbridge road highway grade crossing of the Long Island Railroad near the Hicksville station on said railroad. This crossing has been closed without expense to the State. (Grade Crossing Case No. 56.)

17. Closing of the Huntington road highway grade crossing of the Long Island Railroad west of the Farmingdale station on said railroad. This crossing has been closed without expense to the State. (Grade Crossing Case No. 63.)

18. Closing of the Oakview avenue grade crossing of the Long Island Railroad near the Farmingdale station on said railroad. This has been made a private crossing only, without expense to the State. (Grade Crossing Case No. 66.)

19. Changing the Van Vleck or Lakeside road highway grade crossing of the New York Central and Hudson River Railroad and the West Shore Railroad (which are near together at the point in question), in the town of Geddes, Onondaga county, to one under-crossing. Plans, specifications and proposals of contractors for this work were approved by this Board, when the town board asked this Board to modify its determination in the matter. This Board gave a hearing as to the proposed modification, but the application for such modification was withdrawn. Subsequently the town board again asked this Board to modify the determination, which has been done. (See No. 5 under "1902," in this statement.) (Grade Crossing Case No. 174.)

20. Closing and discontinuance of the South Country (sometimes called, the North Country) road highway grade crossing of the Long Island Railroad in the town of Southampton, Suffolk county, and construction of a new piece of highway. This work is completed. The total cost was \$2,859.34. The State's proportion, which has been paid, was \$714.83. This amount also includes the cost of the closing of the next following named crossing. (Grade Crossing Case No. 202. See Grade Crossing Case No. 203 following.)

21. Closing and discontinuance of the Pine Neck Road highway grade crossing of the Long Island Railroad, in the town of Southampton, Suffolk county, and construction of a new piece of highway. This work is completed. The total cost was \$2,859.34. The State's proportion, which has been paid, was \$714.83. This amount also includes the cost of closing of the preceding named crossing. (Grade Crossing Case No. 203. See Grade Crossing Case No. 202 preceding.)

22. Closing and discontinuance of the Lake View avenue grade crossing of the Long Island Railroad near the Springfield station on said railroad. The crossing has not been closed, as the necessary land for a connecting piece of highway has not been acquired by the local authorities. (Grade Crossing Case No. 191.)

23. Changing a highway grade crossing of The Delaware and Hudson Company's Railroad by the Delaware turnpike to an under-crossing, near the city of Albany. This work has not been done, as at a hearing on May 8, 1901, in relation to the plan for the proposed under-crossing, the application was withdrawn by the representatives of the town board — so far as it could be, a determination having been made — and the Board decided not to proceed further in the matter. (Grade Crossing Case No. 265.)

24. Changing the Arsenal street grade crossing of the Rome, Watertown and Ogdensburg Railroad (operated by the New York Central and Hudson River Railroad Company), in the city of Watertown, to an over-crossing. This work is completed. The over-crossing (which is of steel) is about 129 feet long and 35 feet 4 inches wide. The approaches are about 240 feet long and 30 feet 8 inches wide on one side and about 449 feet long and 30 feet 8 inches wide on the other. The clearance from top of rail is 20 feet. The total cost was \$51,425.50. The State's proportion, which has been paid, was \$12,856.38. (Grade Crossing Case No. 173.)

25. Closing of the Crutcher's grade crossing of the Lehigh Valley Railroad, near the Locke station on said railroad, and changing the location of the highway (known as the Groton road) so that it crosses the railroad at grade at another and less dangerous point. This work has been done, the old crossing closed and the new one opened at grade, without expense to the State. (Grade Crossing Case No. 107.)

26. Changing the Cold Spring Valley road highway grade crossing of the Long Island Railroad, in the town of Huntington, Suffolk county, to an under-crossing. This work is completed, the under-crossing is 16 feet wide between abutments. The clear headroom is 12½ feet. The total cost was \$6,234.87. The State's proportion, which has been paid, was \$1,558.72. (Grade Crossing Case No. 47.)

27. Changing the East Jamesport lane highway grade crossing of the Long Island Railroad, near the Jamesport station on said railroad, to an under-crossing and the construction of a connecting piece of highway. This work is completed. The total cost was \$11,632.48. The State's proportion, which has been paid, was \$2,908.12. The under-crossing is 20 feet wide between abutments; clear headroom, 12 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 80.)

28. Closing and discontinuance of three highways grade crossings of the Long Island Railroad, one by a highway known as the Old Country or Blind road, one by a highway known as Doris road or old Country road, and one by a highway known as Raynor avenue or Griffin road, all in the town of Riverhead, Suffolk county, the Raynor avenue crossing being made an under-crossing and connecting pieces of highway constructed to it. This work is completed. The total cost was \$6,424.95. The State's proportion, which has been paid, was \$1,606.24. The under-crossing is 20 feet wide between abutments; clear headroom 12 feet. The bridge carrying the railroad is of steel. (Grade Crossing Cases Nos. 180, 181 and 182.)

29. Changing the Blue Point avenue grade crossing of the Long Island Railroad to an under-crossing, in the town of Brookhaven, Suffolk county. This work is completed. The total cost was \$11,066.55. The State's proportion, which has been paid, was \$2,766.64. The under-crossing is 20 feet wide between abutments; 12 feet clear headroom. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 205.)

30. Changing the Gravel Hill highway grade crossing of the Long Island Railroad, near the Good Ground station on said railroad, to an over-crossing and closing the Red Creek and Canoe Place crossing. This work is completed. The total cost was \$4,898.77. The State's proportion, which has been paid, was \$1,224.69. The bridge, which is of steel, is about 90 feet long, 21.7 feet wide, and 16½ feet in the clear above the top rail of the railroad track. The approaches to the bridge are about 600 feet long on one side and 150 feet on the other. (Grade Crossing Case No. 157.)

31. Changing the Maloney's highway grade crossing of the New York, Ontario and Western Railway, near Mountaindale station of said railway, to an under-crossing. This work is completed. The total cost was \$5,293.60. The State's proportion, which has been paid, was \$1,323.40. The under-crossing is 53 feet wide between abutments; 12 feet clear headroom. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 207.)

32. Closing and discontinuance of the Seneca turnpike highway grade crossing of the West Shore Railroad (leased to the New York Central and Hudson River Railroad Company) one-half mile east of the Oneida Castle station on said railroad, the travel to be diverted to an existing overhead crossing of said railroad known as Adams crossing. The Seneca turnpike crossing has been closed. The Board, on July 31, 1901, modified its determination in this matter so that a new steel bridge should be constructed at the Adams crossing. The new bridge is completed. The total cost of this work was \$8,652.51. The State's proportion, which has been paid, was \$2,163.13. (Grade Crossing Case No. 143.)

33. Closing and discontinuance of the Town road highway grade crossing of the New York Central and Hudson River Railroad, which highway forms a portion of the boundary line between the town of De Witt and Manlius, in the county of Onondaga, the travel to be diverted to an overhead crossing of the railroad. This work is completed. No expense to the State. (Grade Crossing Case No. 288.)

34. Closing the Jersey avenue, Maltbie avenue and Park avenue grade crossings of the Erie Railroad, in the village of Suffern (a foot bridge is erected at Maltbie avenue), the travel thereon to be diverted to an under-crossing of the railroad which has been constructed at Chestnut street, and the extension of Ramapo avenue so that it crosses the railroad at an under-crossing heretofore existing. This work is completed. The total cost was \$44,893.62. The State's proportion, which has been paid, was \$11,223.40. The Chestnut street under-crossing is 36 feet wide between abutments; clear headroom 12 feet. (Grade Crossing Case No. 275.)

1901.

1. Closing of a highway grade crossing of the Erie Railroad at Hale Eddy, the travel thereon to be diverted to a new crossing at grade of said railroad, opened in the vicinity, by the construction of a new piece of highway. This work is completed. No portion of the expense of the change was borne by the State. (Grade Crossing Case No. 300.)

2. Closing of a crossing of the Geneva and Lyons branch of the New York Central and Hudson River Railroad, known as Boyce's crossing (town of Phelps, Ontario county), the travel thereon to be diverted by the construction of a new piece of highway to a new crossing at grade of said railway opened in the vicinity by the construction of a new piece of highway. This work is completed. No portion of the expense of the change was borne by the State. (Grade Crossing Case No. 202.)

3. Over-crossing of the New York and Harlem Railroad (leased to the New York Central and Hudson River Railroad Company) near the Scarsdale station of said company. This work is completed. The total cost was \$20,532.94. The State's proportion, which has been paid, was \$5,138.23. The bridge, which is of steel, is about 59 feet long, 33 feet wide, and 21 feet in the clear above the top of rail of the railroad. (Grade Crossing Case No. 306.)

4. Closing of a highway grade crossing of the Ulster and Delaware Railroad by the Ulster and Delaware plank road highway, at a point about one-third of a mile westerly of the Grand Hotel station of said company, in the town of Middletown, Delaware county. This work is completed. No expense to the State. (Grade Crossing Case No. 147.)

5. Closing of a highway grade crossing of the Ulster and Delaware Railroad by the highway leading to and from Pine Hill, about one-third of a mile easterly of the Grand Hotel station of said company. This work is completed. No expense to the State. (Grade Crossing Case No. 152.)

6. Changing the Main street grade crossing of the Erie Railroad, in the village of Salamanca, to an under-crossing. This work is completed. The total cost to date was \$61,073.82. The State's proportion, which has been paid, was \$15,268.45 — except for land damages and fixing the floor of the bridge. The under-crossing is about 50 feet wide between abutments; clear headroom, 12½ feet. The bridge carrying the railroad is of steel. A supplemental accounting for land or land damage claims may be necessary. (Grade Crossing Case No. 163.)

7. Changing the Minaville street (Amsterdam) grade crossing of the West Shore Railroad (leased to the New York Central and Hudson River Railroad Company) to an over-crossing. During the year this Board annulled this determination, an appropriation for a new canal bridge which was involved not having been made. (Grade Crossing Case No. 169.)

8. Changing the Gardiner road highway grade crossing of the New York Central and Hudson River Railroad, in the town of Stafford, Genesee county, to an under-crossing. This work is completed. The total cost was \$25,321.54. The State's proportion, which has been paid, was \$6,330.38. The under-crossing is 32 feet wide between abutments; clear headroom, 12½ feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 304.)

9. Closing a grade crossing of the Erie Railroad by the Sowle road highway, in the town of Hamburg, Erie county, at a point about one and one-half miles north of the Hamburg station of the said railroad, highway to be so changed in location that it would continue by the construction of a new piece of highway, to a point about 760 feet north of the present grade crossing and be there carried under the railroad. The inciting reason for the work being done was due to a desire of a street railroad company to cross the steam railroad at the proposed under-crossing. The street railroad has been carried under the Erie Railroad at the point in question. In a subsequent order the Board determined that the highway need not cross under the railroad; instead the travel has been diverted from the closed Sowle road crossing by means of a series of new highways. This work has been accomplished without expense to either the State or the town of Hamburg. (Grade Crossing Case No. 323.)

10. Closing of two grade crossings of the Ninevah branch of The Delaware and Hudson Company's Railroad, in the town of Windsor, Broome county, known as Fisher's and Comstock's crossings, and diversion of the travel by the construction of a new piece of highway. This work is completed. No expense to the State. (Grade Crossing Case No. 308.)

11. Changing the Lake avenue (Wolcott) grade crossing of the Rome, Watertown and Ogdensburg Railroad (leased to the New York Central and Hudson River Railroad Company). to an under-crossing and closing the Conklin avenue grade crossing nearby, the travel to be diverted to the proposed under-crossing by the construction of a new piece of street. This work is completed. The total cost was \$7,700.99. The State's proportion, which has been paid, was \$1,925.25. The Lake avenue under-crossing is 25 feet wide between abutments; clear headroom, 13 feet. (Grade Crossing Cases Nos. 320 and 341.)

12. Changing the Main street (Oneonta) grade crossing of the Albany and Susquehanna Railroad (operated by The Delaware and Hudson Company). to an overcrossing. This work is completed. The total cost (of which the State bears its proportion) was \$118,748.41. The State's proportion, which has been paid, was \$29,687.10. The viaduct is of steel about 115 feet long, and varies from 42 to 50 feet in width; it is 20 feet in the clear above the top of rail of railroad track. The approaches to the bridge are 465 feet long and 42 feet wide on one side and about 165 feet long and 50 feet wide on the other. (Grade Crossing Case No. 317.)

13. Changing the Jerusalem road or Old Farm road highway grade crossing of the Long Island Railroad, in the town of North Hempstead, Nassau county, about 3,750 feet east of the Westbury station of said company, from grade to an over-crossing. This work is completed. The total cost was \$10,392.59. The State's proportion, which has been paid, was \$2,598.15. The bridge is of steel, about 80 feet long, 28 feet wide and 16½ feet in the clear above the top of rail of the railroad track. The approaches to the bridge are about 275 feet long and 28 feet wide on one side and about 300 feet long and 28 feet wide on the other. (Grade Crossing Case No. 208.)

14. Closing the Covert street or Hempstead road grade crossing of the Long Island Railroad, about 3,030 feet east of the Westbury station of said company, the travel to be diverted to an over-head crossing to be constructed at the Jerusalem road or Old Farm road, referred to in the preceding paragraph. This work has been completed at a total cost of \$49.57, of which the State's portion, which has been paid, was \$12.39. (Grade Crossing Case No. 209.)

15. Closing of the Sheep Pasture road highway grade crossing of the Long Island Railroad, in the town of Brookhaven, Suffolk county, at a point about 8,960 feet east of the Setauket station of said company. During 1904, this Board modified its determination in this matter. A further modification of the original order was made during 1906, in which it is stipulated that the travel shall be diverted from the crossing by means of a new highway to be constructed to a new over-grade bridge. This work is nearly completed. (Grade Crossing Case No. 225.)

16. This was a petition for a determination that the Hawkins road highway grade crossing of the Long Island Railroad, in the town of Brookhaven, Suffolk county, about 2,285 feet west of the Stony Brook station of said company, should be closed and discontinued, the travel to be diverted to an under-crossing to be constructed at a point about 150 feet west of the existing Hawkins road crossing. The Board so determined. During 1902, an application was made to the Board by the highway commissioners for a modification of this determination so that the crossing should be closed without the construction of the under-crossing. The Board so modified its determination and the crossing is closed. The total cost was \$14.97. The State's proportion, which has been paid, was \$3.74. (Grade Crossing Case No. 227.)

17. This was a petition for a determination that a highway grade crossing of the Long Island Railroad by a highway known as Mounts road, in the town of Brookhaven, Suffolk county, about 5,720 feet west of the Stony Brook station of said company, should be closed and discontinued, the travel to be

diverted to an existing under-crossing of the railroad by the construction of a new piece of highway. The Board so determined. During 1902, an application was made to the Board by the highway commissioners for a modification of this determination so that the crossing should be closed without the construction of the new piece of highway. The Board so modified its determination and the crossing is closed. The total cost was \$14.97. The State's proportion, which was paid, was \$3.74. (Grade Crossing Case No. 228.)

18. This was a petition for a determination that a highway grade crossing of the Long Island Railroad by a highway known as Hay road or Old Hay road, in the town of Brookhaven, Suffolk county, about 5,200 feet west of the Yaphank station of said company, should be closed and discontinued, the travel to be diverted to other highways and crossings in the vicinity. The Board determined that farm gates should be erected at this crossing. This has been done, without expense to the State. (Grade Crossing Case No. 231.)

19. This was a petition for a determination that a highway grade crossing of the Long Island Railroad by a highway known as Town path, in the town of Brookhaven, Suffolk county, about 5,600 feet west of the Yaphank station of said company, should be closed and discontinued. The board determined that farm gates should be erected at this crossing. This has been done, without expense to the State. (Grade Crossing Case No. 232.)

20. Closing the Dock road and Sills path or Patchogue and Yaphank road highway grade crossings of the Long Island Railroad, in the town of Brookhaven, Suffolk county, about 8,000 feet west of the Yaphank station of said company, and constructing an overhead crossing of the railroad between the two, and connecting pieces of highway. This work is completed. The total cost was \$5,528.99. The State's proportion, which has been paid, was \$1,382.25. The bridge, of steel, is about 90 feet long and 18 feet wide. The approaches are about 200 feet long and 20 feet wide on one side and about 200 feet long and 20 feet wide on the other. (Grade Crossing Case No. 233.)

21. Closing of the grade crossing of the Long Island Railroad by Willow street in the village of Sag Harbor. The crossing is closed without expense to the State. (Grade Crossing Case No. 240.)

22. This was a petition for a determination that the Northport road highway grade crossing of the Long Island Railroad in the town of Huntington, Suffolk county, at a point about 1,770 feet east of the Greenlawn station of said company, should be closed and discontinued, the travel to be diverted to other highways and crossings in the vicinity. The Board determined that farm gates should be erected at the crossing. This has been done without expense to the State. A notice of claim for damages has been filed with this Board but nothing further has transpired here as to said claim. (Grade Crossing Case No. 252.)

23. Changing the Centreport and Dix Hills road highway grade crossing of the Long Island Railroad in the town of Huntington, Suffolk county, about 5,445 feet east of the Greenlawn station of said company, to an under-crossing, to be situated at a point about fifty feet east of the present grade crossing. In 1903 this Board modified its determination so that the under-crossing should be constructed at a point of grade crossing instead of 50 feet easterly thereof, and this has been done, the work being completed. The total cost was \$3,957.52. The State's proportion, which has been paid, was \$980.38. The under-crossing is 20 feet wide between abutments; clear headroom, 12 feet. (Grade Crossing Case No. 253.)

24. This was a petition for a determination that two grade crossings of the New York, Ontario and Western Railway (which was in effect one, as the highways meet at the railway), at points known as Delevan's crossings, in the town of Guilford, should be changed from grade to one under-crossing. Also that a crossing known as Bradbury's crossing (an overhead crossing which it seemed desirable to close), should be closed and discontinued, the travel thereon to be diverted to the proposed Delevan's under-crossing by the construction of a new piece of highway. The Board so determined. This work is completed. The total cost was \$9,508.03. The State's proportion, which has been paid, was \$2,377.00. Notices of claims for damages have been filed

with this Board. The under-crossing is 20 feet wide between abutments; clear headroom, 11½ feet. (Grade Crossing Case No. 318.)

25. This was a petition for a determination that a grade crossing of the Nypano Railroad (operated by the Erie Railroad Company), in the town of Randolph, Cattaraugus county, by a highway known as the McGraw highway, should be closed and discontinued, the travel thereon to be diverted to an existing under-crossing of said railroad by the construction of a new piece of highway. The Board so determined. Subsequently it appeared that one town board that should have been notified was not. This Board then began a proceeding on its own motion, under section 66 of the Railroad Law, in which proceeding it refused to determine that the crossing should be closed. (Grade Crossing Case No. 345.)

26. Changing a highway grade crossing of the Buffalo, Rochester and Pittsburgh Railway, by a highway known as the White's Corners road, or South Park avenue, in the town of West Seneca, Erie county, to an under-crossing. This work is completed. The under-crossing is 66 feet wide between abutments; clear headroom, 13 feet. The total cost was \$28,970.60. The State's proportion, which has been paid, was \$7,242.65. (Grade Crossing Case No. 339.)

27. Changing a highway grade crossing of the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company), at a point between Brocton and Portland, to an over-crossing. This work is completed. The total cost was \$14,468.96. The State's proportion, which has been paid, was \$3,617.24. The bridge is of steel, 88 feet long, 20 feet wide and 22 feet 2½ inches in the clear above the top of rail of the railroad tracks. The approaches to the bridge are about 190 feet long on one side and about 310 feet on the other and are 20 feet wide on both sides. (Grade Crossing Case No. 348.)

28. Changing a highway grade crossing of the Pennsylvania Division of the New York Central and Hudson River Railroad, about 4,000 feet south of the Watkins station of said company, to an under-crossing. This work is completed. The total cost was \$6,632. The State's proportion, which has been paid, was \$1,658. The under-crossing is 24 feet wide between abutments; clear headroom, 13 feet. (Grade Crossing Case No. 344.)

1902.

1. Closing two highway grade crossings of the New York, Ontario and Western Railway, near its Stony Ford station, known as De Kay's and Wallace's crossings, and construction of new piece of highway not crossing the railway. This work is completed. The total cost was \$1,245.96. The State's proportion, which has been paid, was \$313.74. (Grade Crossing Case No. 342.)

2. Closing two highway grade crossings of the New York and Harlem Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Bronxville, Westchester county, the travel being diverted to a new crossing at grade, constructed at a point between said two grade crossings. This work is completed. The total cost was \$1,382.40. The State's proportion, which has been paid, was \$345.60. (Grade Crossing Case No. 363.)

3. Closing two highway grade crossings of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) south of its Jones Point station and the construction of a new piece of highway not crossing the railroad. This work is completed. No expense to the State. (Grade Crossing Case No. 360.)

4. Closing two highway grade crossings of the Buffalo, Rochester and Pittsburgh Railway, near S. B. Junction in the town of Great Valley, Cattaraugus county, the travel being diverted to an under-crossing of said railroad constructed between said two grade crossings. This work is completed. The under-crossing is 41 feet wide between abutments; clear headroom, 13 feet. The bridge carrying the railroad is of steel. The total cost was \$17,617.18.

The State's proportion, which has been paid, was \$4,404.29. (Grade crossing Case No. 365.)

5. Changing of highway crossings of the New York Central and Hudson River Railroad, the West Shore Railroad, its lessor, and the Oswego and Syracuse Railroad (leased to and operated by The Delaware, Lackawanna and Western Railroad Company), in the town of Geddes, Onondaga county. Two grade crossings have been closed and from a third, a portion of the travel has been diverted, at a total cost of \$58,523.63, of which the State's proportion, which has been paid, was \$14,630.91. The work consisted of the construction of about one mile of new highways involving heavy embankments and a metal highway viaduct about 452 feet long between back walls with a width of 21 feet between wheel guards. This work is completed. (See No. 19 under "1900.") (Grade Crossing Case No. 174.)

6. Changing the Westerlo turnpike highway grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Ravena, near Albany, to an under-crossing. This work is completed. The under-crossing is 30 feet wide between abutments; clear headroom 13 feet. The bridge carrying the railroad is of steel. The total cost of the work in which the State participated was \$20,464.76. The State's proportion, which has been paid, was \$5,020.05. A notice of claim for damages has been filed with this Board, but no further action in such claim seems to have been taken. (Grade Crossing Case No. 331.)

7. Closing a highway grade crossing of the Long Island Railroad by the road from Newbridge to Westbury, the travel to be diverted to a new crossing at grade of said railroad to be constructed at a point about 200 feet east of the old grade crossing. This work is completed, the old crossing closed and the new one in use. The new piece of highway necessary to reach the new crossing was constructed without expense to the State, and the State bears no part of the expense. (Grade Crossing Case No. 359.)

8. This was a petition for a determination that the Kossuth street, Field street and Buffalo road highway grade crossings of the New York Central and Hudson River Railroad, and the Kossuth street grade crossing of the Buffalo, Rochester and Pittsburgh Railway, in the town of Gates, Monroe county, near Rochester, should be closed and discontinued, and that new streets should be laid out to an under-crossing to be constructed beneath the New York Central and Hudson River Railroad and the Buffalo, Rochester and Pittsburgh Railway, an overhead bridge for foot passengers to be constructed over the New York Central and Hudson River Railroad at the Field street crossing. The Board so determined. The town of Gates, which opposed the petition, appealed to the courts, and the determination was sustained by the Court of Appeals. Plans, specifications and estimates of expense for this work have been approved by this Board; acquisition of necessary land has been begun and construction will undoubtedly be carried on as soon as climatic conditions permit. (Grade Crossing Case No. 330.)

9. Closing the South Country road highway grade crossing of the Long Island Railroad, in the town of Southampton, Suffolk county, about 3,920 feet east of the Quogue station, the travel thereon to be diverted to the grade crossing of said railroad next east by the opening of a new piece of highway. This work is completed. The total cost was \$400.23. The State's proportion, which has been paid, was \$100.06. (Grade Crossing Case No. 201.)

10. Closing the Dippold road highway grade crossing of the New York Central and Hudson River Railroad, in the town of Salina, Onondaga county (near Syracuse), the travel to be diverted by an existing piece of highway to an under crossing of said railroad by the Brewerton plank road highway. This work is completed. The total cost was \$92.92. The State's proportion, which has been paid, was \$23.23. (Grade Crossing Case No. 372.)

11. Closing the North Hempstead turnpike highway grade crossing of the Long Island Railroad, about 6,200 feet easterly or northeasterly from the Roslyn station of said railroad, the travel to be diverted by the construction of new pieces of highway to an under-crossing of said railroad constructed nearby. This under-crossing is also used by travel diverted from the closed Cemetery road highway grade crossing of said railroad by the construction of

new pieces of highway. This work is completed. The total cost was \$10,700.34. The State's proportion, which has been paid, was \$2,675.08. This crossing is included with the next succeeding closed crossing. The under-crossing is 20 feet wide between abutments, clear headroom, 12 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 216.)

12. Closing the Cemetery road highway grade crossing of the Long Island Railroad, about 7,490 feet easterly or northeasterly from the Roslyn station of said railroad company, the travel to be diverted by the construction of new pieces of highway to an under-crossing of said railroad constructed nearby. This under-crossing is also used by travel diverted from the closed North Hempstead turnpike highway grade crossing of said railroad by the construction of new pieces of highway. This work is completed. The total cost and State's proportion are as shown in the next preceding crossing. (Grade Crossing Case No. 217.)

13 and 14. Changing the Priors road or Manhasset and Old Westbury road highway grade crossing of the Long Island Railroad, between the Albertsons and Roslyn stations on said railroad from grade, to an under-crossing. This work is completed, but a settlement of the cost has not yet been made. (Grade Crossing Case No. 312.)

15. Changing Case's grade crossing of the Pittsburg, Shawmut and Northern Railroad, in the town of Genesee, Allegany county, to an under-crossing. This work is completed. The under-crossing is 24 feet wide between abutments; minimum clear headroom 14 feet. The total cost was \$12,219.71. The State's proportion, which has been paid, was \$3,054.93. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 355.)

16. Changing the Hotel or Main street grade crossing of the New York Central and Hudson River Railroad, in South Byron, Genesee county, to an under-crossing, and closing the South Market street grade crossing of said railroad nearby, the travel to be diverted to the Hotel or Main street under-crossing by the construction of a new piece of highway. This work is completed. The total cost was \$53,459.76. The State's proportion, which has been paid, was \$13,364.94. The under-crossing is 41 feet wide between abutments; clear headroom, 13 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 386.)

17. Changing the Kingston road highway grade crossing of the New York, Ontario and Western Railway at Summitville, Sullivan county, to an under-crossing. This work is completed. The total cost was \$4,104.50. The State's proportion, which has been paid, was \$1,026.12. The under-crossing is 20 feet wide between abutments; clear headroom, 12 feet. The bridge carrying the railroad is of steel. (Grade Crossing Case No. 375.)

18. Closing a highway grade crossing of the New York Central and Hudson River Railroad at a point known as highway crossing No. 395, at Fox Ridge, Cayuga county, the travel to be diverted to an existing over-crossing of said railroad immediately west of said grade crossing, in the town of Montezuma, in said county, by the construction of a new piece of highway from the grade crossing to the overhead crossing. This work is completed. The total cost was \$2,606.29. The State's proportion, which has been paid, was \$651.57. (Grade Crossing Case No. 382.)

19. Changing the grade crossing of The Delaware and Hudson Company's railroad by the New Scotland road highway at Slingerlands, near Albany, known as the Kilmer crossing, to an over-crossing. This work is completed. The total cost was \$14,117.35. The State's proportion, which has been paid, was \$3,529.34. The bridge is of steel, about 37 feet long, 20 feet wide and 21 feet in the clear above the top of rail of the railroad track. The approaches to the bridge are 450 feet long and 20 feet wide on one side and 175 feet long and 20 feet wide on the other. (Grade Crossing Case No. 285.)

20. This was a petition for a determination, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, that the Westinghouse avenue, Edison avenue, State street, Liberty street, Union street, North Center street, Warren street and Fonda street grade crossings of the railroad operated by The Delaware and Hudson Company in the city of Schenectady, and the Westinghouse avenue, Edison avenue, State street, Liberty street,

Union street, Green street and Front street grade crossings of the New York Central and Hudson River Railroad, in said city, should be changed to under-crossings. The Board determined that the Westinghouse avenue crossing of the New York Central and Hudson River Railroad shall be closed and discontinued, and that a new piece of street connecting Westinghouse and Edison avenues shall be constructed, by means of which the traffic of Westinghouse avenue is to be diverted to the Edison avenue under-crossing; the North Center street and Warren street crossings are to be closed and discontinued, and new pieces of street constructed to one under-crossing to be used by the travel from both streets — all substantially as shown by a plan on file in this office. The work at these crossings is involved with that referred to in the next case. During 1905 this Board approved a change of plan so that the Liberty street crossing shall be one for teams and pedestrians instead of for pedestrians alone. All of these under-crossings are now in use. The work has been greatly delayed by the non-delivery of the metal for the bridges, but present indications are that the entire work will be completed some time during 1907. (Grade Crossing Case No. 369.)

21. This was a petition for a determination that the Pine street, Fonda street, Nott street and Romeyn street grade crossings of the railroad operated by The Delaware and Hudson Company in the city of Schenectady should be changed from grade to under-crossing of said railroad. The Board so determined, the State and city to bear but the statutory proportion of the cost of the work for a single track. The work at these crossings is involved with the work last referred to, and is nearing completion, the four under-crossings being in use. (Grade Crossing Case No. 390.)

22. Closing the Rock Glen road highway grade crossing of the Erie Railroad in the town of Gainesville, Wyoming county, at a point about one-half mile east of the Rock Glen station on said railroad, the travel thereon to be diverted by an existing connecting piece of highway to the Gainesville road highway grade crossing of said railroad. This work is completed. No expense to the State. (Grade Crossing Case No. 395.)

1903.

1. Closing and discontinuance of two highway grade crossings of the New York, Ontario and Western Railway in the town of Wallkill, Orange county, known as Sand's and McCoy's crossings, and the construction of new pieces of highway and an overhead bridge crossing of the railway situated about midway between the two closed grade crossings. This work is completed. The total cost was \$7,990.00. The State's proportion, which has been paid, was \$1,997.50. The bridge is of steel, about 92 feet long, 20 feet wide and 21 feet in the clear above the top of rail of the railroad track. The approaches to the bridge are 375 feet long and 20 feet wide on one side and 200 feet long and 20 feet wide on the other. (Grade Crossing Case No. 402.)

2. Closing and discontinuance of the Darling grade crossing of the Buffalo, Rochester and Pittsburgh Railway in the town of Great Valley, Cattaraugus county, and the construction of a new piece of highway to the Peth road highway and crossing at grade of said railway. The work is completed, without expense to the State. (Grade Crossing Case No. 411.)

1904.

1. Closing and discontinuance of the Ionia and East Bloomfield road highway grade crossing of the Auburn division of the New York Central and Hudson River Railroad in the town of West Bloomfield, Ontario county, and the construction of a new piece of highway and an under-crossing of the railroad at another point. This work is completed. The under-crossing is 20 feet wide between abutments, and the overhead clearance is 13 feet. The total cost of the work was \$6,926.26, of which the State's portion, \$1,731.56, has been paid. (Grade Crossing Case No. 396.)

2. Closing and discontinuance of the Lights highway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the town of Carmel, Putnam county, and the construction of new

pieces of highway and an overhead bridge crossing of said railroad at another point. This work has been completed, but a bill for settlement has not as yet been received. The approaches on the east and west sides are 270 and 250 feet long, respectively, and the metal superstructure is about 72 feet long with an available width between wheel-guards of 20 feet, which is also the width between railings in the east approaches. (Grade Crossing Case No. 398.)

3. Closing and discontinuance of the Van Anden grade crossing of the New York Central and Hudson River Railroad in Auburn and the construction of new streets. This work is nearing completion. (Grade Crossing Case No. 470.)

4. Construction of an under-crossing for pedestrians of the New York Central and Hudson River Railroad at Main street, Herkimer. This under-crossing has been constructed at a total cost of \$10,779.10; the State's proportion of the expense, \$2,694.77, has been paid. The cross sectional dimensions of the subway are 8 feet by 8 feet. (Grade Crossing Case No. 498.)

5. Closing and discontinuance of one of the Cady's highway grade crossings of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company), the construction of a new piece of highway to the other Cady's grade crossing of said railroad and changing it to an under-crossing of said railroad. A modified determination, defining the exact location of the connecting highway was made on October 3, 1906, this determination specifying certain changes from those originally ordered. Construction has begun. (Grade Crossing Case No. 494.)

6. Closing and discontinuance of the Newburgh and Campbell Hall road highway grade crossing of the New York, Ontario and Western Railway in the town of New Windsor, Orange county, and the construction of a new piece of highway and an overhead bridge crossing of said railway at another point. This work has been completed, the over-crossing is in use, and the completed work has been approved by this Board. No settlement has as yet been made. The superstructure is about 70 feet long; the width between wheel-guards is 16 feet and the approaches on the west and east have respective lengths of 465 feet and 365 feet; both approaches are constructed on rates of grade of 6 per cent. (Grade Crossing Case No. 488.)

7. Closing and discontinuance of the Gitties grade crossing of the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad in the town of Richland, Oswego county, and the construction of a new piece of highway to the next crossing at grade of said railroad south. This work is completed, without expense to the State. (Grade Crossing Case No. 487.)

8. Changing the Broadway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad near the Van Cortlandt station on said railroad in the borough of the Bronx, New York city, to an under-crossing. This work is completed and the under-crossing is in use. The total cost of the improvement was \$38,882.04; the State's portion, amounting to \$9,720.51, has been paid. The subway is 43 feet wide, the clear headroom is 13 feet, and the four approaches, all on easy grades, are paved with rock screenings. (Grade Crossing Case No. 503.)

9. Changing the Chautauqua road or Valley street or Lake road grade crossing of the Pennsylvania Railroad in the village of Mayville, Chautauqua county, to an over-crossing. This work is completed, but no settlement of the cost has been made. The metal viaduct involved is 710 feet long, flanked on the ends by earth embankments. The northerly approach is 450 feet long; the southerly approach is 425 feet long; both approaches being on 5 per cent. grade. The width between railings on the superstructure is 30 feet, of this distance 5 feet is occupied by a sidewalk. The viaduct carries a single track of the Chautauqua Traction Company's railroad. (Grade Crossing Case No. 491.)

10. Changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an under-crossing. Except for the erection of some railing this work is completed. The undergrade crossing is in use. (Grade Crossing Case No. 416.)

1905.

1. Closing and discontinuance of the East Fourth street and the Schuyler street grade crossings of the railroad operated by the New York Central and Hudson River Railroad Company and the railroad of the New York, Ontario and Western Railway Company in the city of Oswego and the construction of a new street from East Fourth street to Schuyler street to divert the travel from the present East Fourth and Schuyler streets grade crossings through Schuyler street to an under-crossing of said railroads to be constructed at a point where East Seventh street and Schuyler street intersect. Detail plans, specifications and estimate of expense for this work have been approved by this Board, and the work is now being executed. (Grade Crossing Case No. 527.)

2. Closing and discontinuance of three highway grade crossings of the New York, Ontario and Western Railway in the town of Wallkill, Orange county, near the Crystal Run station on said railway, and the construction of new pieces of highway on each side of the railway to an overhead bridge crossing to be located about at the point of one of the closed grade crossings. Detail plans and estimate of expense for this work have been approved by this Board. The work is to be done by the company itself. Awaiting acquirement of some of the land no work done here yet. (Grade Crossing Case No. 459.)

3. Closing and discontinuance of two highway grade crossings of the New York, Ontario and Western Railway in the town of Wallkill, Orange county, near the Stony Ford station on said railway, and the construction of new pieces of highway and an overhead bridge crossing of said railway to be constructed about midway between the two grade crossings. The work is completed; no settlement of the expense has, however, been made. The metal superstructure is in three spans, with a total length of 90 feet. The distance between wheel-guards is 18 feet. There are three approaches, averaging about 175 feet in length and built on 8 and 4 per cent. grades. (Grade Crossing Case No. 442.)

4. Changing the Pine street (or avenue), Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad to an over-crossing. Plans, specifications and an estimate for this work have been approved, and contracts for the construction of the sub and superstructural work have been let. (Grade Crossing Case No. 293.)

5. Changing the Niagara street grade crossing of the Erie Railroad in Niagara Falls to an under-crossing of said railroad. Plans, specifications and an estimate of expense for this work have been approved, and contracts for the sub and superstructures have been let. (Grade Crossing Case No. 501.)

6. Closing and discontinuance of the Caskey's grade crossing of the Erie Railroad at Sparrowbush in the town of Deer Park, Orange county, and the construction of new pieces of highway and an under-crossing of said railroad at another point. This work is completed, but has not yet been approved by the Board. The subway is 35 feet wide; the highway clearance is 13 feet. (Grade Crossing Case No. 464.)

7. Changing the Buffalo road highway grade crossing of the Buffalo, Rochester and Pittsburgh Railway at a point between Bigtree road and Deuel's Corners, in the town of East Hamburg, Erie county, to an under-crossing. This work is nearing completion, the delay being due to the failure of the bridge company to deliver the superstructure. (Grade Crossing Case No. 419.)

8. Closing and discontinuance of three highway grade crossings of the New York, Ontario and Western Railway near its Livingston Manor station in the town of Rockland, Sullivan county, and the construction of a new piece of highway and an overhead bridge crossing of said railway. A plan and specifications for this work have been approved by this Board, but work has not been started. (Grade Crossing Case No. 402.)

1906.

1. Changing the Peek and Nott streets grade crossings of the New York Central and Hudson River Railroad in the city of Schenectady to undergrade crossings. Plans, some specifications and an estimate of expense for this work have been submitted and approved. (Grade Crossing Case No. 477.)

2. Closing and discontinuance of a highway grade crossing of the Central New England Railway, immediately east of the Pleasant Valley station in the town of Pleasant Valley, Dutchess county, and the construction of a new piece of highway to an existing highway crossing, immediately west of the station. The work is practically completed. No settlement of the cost has yet been made. (Grade Crossing Case No. 557.)

3. Closing and discontinuance of the Country road or Old Forge road highway grade crossing of the Long Island Railroad in the town of Riverhead, Suffolk county, and diverting travel by means of a new piece of highway to an overgrade crossing to be constructed at a point about 1,625 feet east of the location of the existing grade crossing. A plan for this work has been approved and construction is now being prosecuted. There will be no expense to either the town or the State on account of this work. (Grade Crossing Case No. 588.)

4. Changing a highway grade crossing of the Delaware, Lackawanna and Western Railroad in the town of Vestal, Broome county, to an undergrade crossing. Upon appeal the courts of the State in an opinion reversed the order of the Board, the Board having determined that this work should be done. A new petition by the company has been filed. (Grade Crossing Case No. 585.)

5. Changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in the village of Westfield, Chautauqua county, to an overgrade crossing. A plan for this work has been submitted. (Grade Crossing Case No. 565.)

6. Changing a grade crossing of the Highland division of the New York, New Haven and Hartford Railroad in the town of South East, Putnam county, at a point known as the first grade crossing west of bridge over the Croton river at Brewster, to an undergrade crossing. This work is completed. The total expense was \$7,751.34. The State's proportion, which is in process of payment, was \$1,937.84. (Grade Crossing Case No. 556.)

7. Closing the John Hulse road grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and diverting travel by means of existing highways to an undergrade crossing to be constructed about 3,450 feet westerly from the Medford station of the railroad. Plans, specifications, estimate of expense and the proposal of a contractor for the superstructure have been approved by the Board. Work of construction has been commenced. (Grade Crossing Case No. 568.)

8. Closing the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad in the village of Homer, Cortland county, and constructing an overgrade crossing of the railroad with approaches thereto, the overgrade crossing to be located about 125 feet south of the existing grade crossing. This work is nearly completed. (Grade Crossing Case No. 543.)

9. Closing and discontinuance of the Rockefeller road grade crossing, and a portion of the approaches thereto, of The Delaware and Hudson Company's railroad in the town of Bethlehem, Albany county, and constructing an overgrade crossing with requisite approaches at the first cut west of the grade crossing. Plans and specifications and an estimate have been approved. (Grade Crossing Case No. 505.)

10. Changing the Old Westbury road highway grade crossing of the Long Island Railroad in the town of North Hempstead, Nassau county, to an undergrade crossing. Plans for this work are now being prepared. (Grade Crossing Case No. 612.)

11. Changing the New York avenue highway grade crossing of the Long Island Railroad in the town of Huntington, Suffolk county, to an undergrade crossing with approaches thereto. Plans for this work are now in course of preparation. (Grade Crossing Case No. 614.)

12. Closing the Long Swamp Road highway grade crossing of the Long Island Railroad in the town of Huntington, Suffolk county, and diverting travel from it to the undergrade crossing to be built at New York avenue (see preceding case) by means of a new highway. This work is involved with that to be done at New York avenue. (Grade Crossing Case No. 615.)

13. Closing the Fish or Thicket road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and diverting the traffic by means of a new highway to an under-grade crossing known as the Old Pine Neck road. Preliminary steps necessary to construct the new highway have been taken. (Grade Crossing Case No. 606.)

14. Closing the Horseblock road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and diverting the travel therefrom by existing highways to the next easterly grade crossing. This work has been completed without expense to either the State or the town. (Grade Crossing Case No. 607.)

15. Closing the River road highway grade crossing of the Long Island Railroad at Eastport in the town of Southampton, Suffolk county, and diverting the travel to an overgrade crossing to be constructed a short distance to the west of the present grade crossing. Plans, specifications and an estimate have been approved and construction has been begun. (Grade Crossing Case No. 528.)

16. Closing the West avenue grade crossing of the Erie Railroad in the village of Livonia, Livingston county, and diverting the travel from it by means of existing and new highways to an overgrade crossing to be built about 800 feet north of the present grade crossing. Plans, specifications and an estimate of expense have been approved. (Grade Crossing Case No. 469.)

17. Changing the Dock street, Wells avenue and Ashburton avenue grade crossings of the New York Central and Hudson River Railroad in the city of Yonkers to undergrade crossings; the Pier and Fernbrook streets crossings to over-crossings; also changing the existing Main street overgrade crossing to an undergrade crossing and raising the existing Vark street and Babcock place overgrade crossings. Detail plans are now in course of preparation. (Grade Crossing Case No. 533.)

18. Changing the Canisteo street grade crossing of the Erie Railroad in the city of Hornell to an undergrade crossing and constructing the necessary approaches thereto. Plans and specifications have been submitted for approval. (Grade Crossing Case No. 337.)

19. Closing the Tyrrell road grade crossing of the Rome, Watertown and Ogdensburg Railroad in the village of Wolcott, Wayne county, and diverting the travel by means of a new highway to a highway known as the Eastport Bay Creek road which crosses the railroad at grade. Plans, specifications and an estimate of the expense have been submitted. (Grade Crossing Case No. 609.)

20. Closing the Roslyn road and Glen Cove Back road grade crossings of the Long Island Railroad in the town of Oyster Bay, Nassau county, and diverting the traffic by means of a series of new highways to an undergrade crossing to be constructed about 500 feet north of the Greenvale station of the railroad. Plans, specifications, estimate and a proposal of a contractor for the superstructure have been approved, and construction is now under way. (Grade Crossing Case No. 603.)

21. Closing the Moreland road grade crossing (known as Beer's crossing) of the New York Central and Hudson River Railroad in the town of Dix, Schuyler county, and diverting the travel by means of a new piece of highway to a new grade crossing to be constructed at a point just north of the Beaver Dams station of the railroad. None of the expense of this work is to be borne by either the State or the town. (Grade Crossing Case No. 610.)

22. Closing the Clay Pit road highway grade crossing of the Long Island Railroad in the town of Southampton, Suffolk county, and diverting the travel from it by means of new pieces of highway to an undergrade crossing to be constructed at a point about 200 feet west of the present grade cross-

ing. None of the expense of this work is to be borne by either the State or the town. (Grade Crossing Case No. 630.)

23. Closing the crossing of the Long Island Railroad by a highway known as North highway or Cherry Tree road in the town of Southampton, Suffolk county, and diverting the travel by means of new pieces of highway to an undergrade crossing to be constructed about 75 feet east of the present grade crossing. (Grade Crossing Case No. 631.)

24. Closing the St. Andrews road highway grade crossing of the Long Island Railroad in the town of Southampton, Suffolk county and diverting the travel by means of new pieces of highway to an undergrade crossing to be constructed at a point about 240 feet east of the present grade crossing. (Grade Crossing Case No. 633.)

25. Changing the Culver road grade crossing of the New York Central and Hudson River Railroad in the city of Rochester to an undergrade crossing. An estimate of the cost has been approved. (Grade Crossing Case No. 611.)

26. Changing the Grant avenue highway grade crossing of the Auburn branch of the New York Central and Hudson River Railroad in the town of Sennett, Cayuga county, to an overgrade crossing, constructing a new piece of highway from Grant avenue to the Phelps highway and closing the existing Phelps highway overgrade crossing. (Grade Crossing Case No. 620.)

27. Changing the New Scotland and Wolf Hill Road grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the town of New Scotland, Albany county, to an undergrade crossing. Detail plans and specifications for this work are being prepared. (Grade Crossing Case No. 623.)

28. Changing the East Chemung street grade crossing of the Lehigh Valley Railroad in the village of Waverly to an overgrade crossing. (Grade Crossing Case No. 576.)

The determinations since the last report in all matters under sections 60, 61, 62 and 68 will be found in this volume.

We believe that the statute should be amended so that where a street surface railroad crosses a steam railroad in a highway which is to be changed from grade under section 62 this Board would be enabled to apportion to the street railroad a share of the expense, such amount to be deducted in equal proportions from the shares to be borne by the State, the municipality and the steam railroad.

Following is a balance sheet of the condition of the State's appropriation. Amounts claimed for land damages where the State, the municipalities and the companies deny any exist, are not included in this balance sheet.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES FOR ELIMINATION OF GRADE CROSSINGS.

Grade Crossing Appropriations — Account of Construction.

1898. Appropriation	\$90,000 00
1899. Appropriation	92,500 00
1900. Appropriation	92,500 00
1901. Appropriation	92,500 00

1902.	None		
1903.	None		
1904.	Appropriation	\$150,000 00	
<i>Deduct</i> previously appropriated, lapsed and not re-appropriated		74,893 08	
			\$75,106 92
1905.	Appropriation	300,000 00	
			\$742,606 92
1905.	Special appropriation, Schenectady		75,000 00
1906.	Appropriation		250,000 00
Total			\$1,067,606 92

Expenditures.

Amount paid by State Treasurer (State's proportion) to date . .	355,749 33
	\$711,857 50
Less amount obligated on account contracts made and estimated costs (State's proportion), some land damages and some land .	701,219 10
Balance	\$10,638 49

Grade Crossing Appropriations — Account of Expenses.

1898.	Appropriation	\$10,000 00	
1899.	Appropriation	7,500 00	
1900.	Appropriation	7,500 00	
1901.	Appropriation	7,500 00	
1902.	Appropriation	5,000 00	
1903.	Appropriation	7,500 00	
1904.	Appropriation	6,500 00	
1905.	Appropriation	5,000 00	
1906.	Appropriation	6,000 00	
			\$62,500 00

Expenditures.

Amount expended to date	57,978 76
Balance	\$4,521 24

Following will be found two tables, first of steam railroads crossing steam railroad and steam railroads crossing streets, avenues and highways, second of street surface railroads crossing steam railroads, and crossing highways outside the limits of incorporated cities and villages:

Surface Steam Railroads — Crossings with Steam Railroads and with Streets, Avenues and Highways.
As shown by reports for the year ending June 30, 1906.

NAME OF ROAD.	CROSSINGS WITH OTHER STEAM RAILROADS.					CROSSINGS WITH STREETS, AVENUES AND HIGHWAYS.									
	PROTECTED BY					PROTECTED BY									
	Unprotected.	Gates.	Flagmen.	Both gates and flagmen.	Interlocking device.	Signals not interlocked.	Over grade.	Under grade.	Unprotected.	Gates.	Flagmen.	Both gates and flagmen.	Crossing alarm and signals.	Over grade.	Under grade.
Albany and Hudson.		1					1	2	35		1				
Bath and Hammondsport.									12	1					
Boston and Maine.									76	10	7		3	18	20
Brooklyn and Rockaway Beach.			2		2	2	3	2	5	3					
Buffalo, Attica and Arcade.									27						
Buffalo, Rochester and Pittsburgh.			5		1		5	6	180		15	1	7	7	14
Buffalo and Susquehanna.									16						
Campbell Hall Connecting.									4						
Catskill Mountain.								1	21		1				
Catskill and Tannersville.									5						
Central Dock and Terminal.									1						
Central New England.				2	2			6	153		5	1	1	14	16
Champlain and St. Lawrence.									1						
Champlain Lake.									2						
Cranberry Lake.									10						
Danville and Mount Morris.									9						
Delaware and Eastern.		1							530	42	58		36	25	49
Delaware and Hudson.					6	2	8	2	305	44	56		62	30	41
Delaware, Lackawanna and Western.	1				6	11	4	17	39						
Dunkirk, Allegheny Val. and Pittsb'h.	1				1	3			124	2	5		1	1	
Elmira and Lake Ontario.			1		2		3		5						
Elmira and Williamsport.									736	73	66	10	101	66	80
Erie.	10	1			21	20	22	13	41						
Fonda, Johnstown and Gloversville.									4						
Fulton Chain.									14						
Genesee and Wyoming.					2				11						
Glenfield and Western.									1						
Greenwich and Johnstown.															
Jameson and Chautauqua.															
Jameson, Chautauqua and Lake Erie.					1			1	18	2			25	1	2
Kanona and Prattsburgh.					2				12				4		
Keesville, Ausable Chasm and Lake Champ.									5						

Surface Steam Railroads — Crossings with Steam Railroads and with Streets, Avenues and Highways — Continued.

As shown by reports for the year ending June 30, 1906.

NAME OF ROAD.	CROSSINGS WITH OTHER STEAM RAILROADS.						CROSSINGS WITH STREETS, AVENUES AND HIGHWAYS.								
	PROTECTED BY						PROTECTED BY								
	Unprotected.	Gates.	Flagmen.	Both gates and flagmen.	Interlocking device.	Signals not interlocked.	Over grade.	Under grade.	Unprotected.	Gates.	Flagmen.	Both gates and flagmen.	Crossing alarm and signals.	Over grade.	Under grade.
Lake Champlain and Moriah.								1	6					1	2
Lake Shore and Michigan Southern.							4		55			13	10	2	9
Lehigh and Hudson River.									18	1				2	1
Lehigh Valley.	3	2			7	12	9	27	606	24	30		10	29	65
Little Falls and Dolgeville.									5						
Long Island.					3		1	1	429		42	152	69	80	120
Lowville and Beaver River.									13						
Middleburgh and Schoharie.									3						
Middletown, Unionville and Water Gap.								1	18		1			1	3
New Jersey and New York.							1		34					4	3
New York Central and Hudson River.			2	11	40	23	51	28	1,850	78	301	209	87	290	314
New York Chicago and St. Louis.						5	3	1	1	78	15		1	7	9
New York, New Haven and Hartford.					1			3	11	13	1		1	37	35
New York, Ontario and Western.	3	4			4		4	5	353	11	30		34	27	53
New York and Ottawa.					1	2			34					1	1
New York and Pennsylvania.									23						
Niagara Junction.								2	6						
Norwood and St. Lawrence.									5						
Orange County.					1			2	8					2	2
Otis.														1	
Owasco River.															
Pittsburg, Shawmut and Northern.											1	3			
Poughkeepsie and Eastern.					1				85					10	
Raquette Lake.							4	1	14		4			3	
Rochester, Charlotte and Manitou.									4						
Rutland.	1								3						
St. Lawrence and Adirondack.					2	5	1		163		3			10	13
Schoharie Valley.									8						
									1					1	

Surface Street and Interurban Railroads — Crossings with Steam Railroads and with Highways outside of Cities and Villages.

AS SHOWN BY REPORTS FOR YEAR ENDING JUNE 30, 1906.

NAME OF ROAD.	CROSSINGS WITH STEAM RAILROADS.							CROSSINGS WITH HIGHWAYS OUTSIDE OF CITIES AND VILLAGES.				
	Unprotected.	PROTECTED BY						Unprotected.	Protected by crossing alarm only.	Over grade.	Under grade.	
		Gates.	Flagmen.	Both gates and flagmen.	Inter-locking vices.	Signals not inter-locked.	Derailing devices on electric railroads.					
Adirondack Lakes.....	2	1	1					4				
Auburn and Syracuse.....								27				
Bennington and Hoosic Valley.....	1							9				
Binghamton.....	2		2					6	3			1
Black River.....	3	1						8	4			
Brooklyn Heights.....			4				*7					
Brooklyn, Queens Co and Suburban.....							*4	5				
Buffalo and Depew.....							1	1	3			
Buffalo Southern.....	2						1	3	1	18		
Buffalo and Williamsville.....								1	5			
Catskill.....							2	2	2			
Chautauqua.....									5			
Coney Island and Brooklyn.....			2									
Coney Island and Gravesend.....	1						2					
Corning and Painted Post.....							1	1				
Cortland County.....	1								4			
Crosstown of Buffalo.....	5	1	5	4	1		11	14	6	2		
Dry Dock, E. Broadway and Battery (N. Y. City).....			1									
Dunkirk and Fredonia.....	1			1								
Eastern New York.....								10				
Elmira and Seneca Lake.....							2		8			
Elmira Water, Light and R. R.....		2	1				2		1			
Fishkill.....				1				1				
Fonda, Johnstown and Gloversville.....	2		2					3	22	1	2	4
Forty-second St., Man. & St. Nic. Ave. (N. Y. City).....			1									
Geneva, Waterloo, Sen. Falls and Cay. Lake.....	2		1					1	7			
Hamburg.....							4	6	6			
Hornellsville and Canisteo.....				1					2			
Hornellsville Electric.....				1								
Hudson Valley.....	4		2		1		†2	2	2	66		3
Huntington.....									8			
International (Buffalo).....	6	2	8	1	4	1	4	20	7	43	2	1
Ithaca.....	3								1			
Jamestown.....		5					1	1	1			
Kingston.....		1	5					1	1			
Lake Erie.....									9			
Lima-Honeoye.....									3		1	
Long Island Electric.....			2				†2					1
Marcellus and Otisco Lake.....				1					13			
Nassau Electric (Brooklyn Nassau County).....	2	2	1				4	1				
New Platz, Highland and Poughkeepsie.....									5			
New York and Long Island.....	1	\$1	\$2	\$1				2				
New York and Queens Co.				3				3		13		
New York and Stamford.....								3		10		
Niagara Gorge.....	2							1		1		
Northport.....									3			
Ogdensburg.....	1						†1		1			
Olean.....	5		1	1			3		1	20		
Olean, Rock City and Bradford.....									6			2
Onelda.....									1			
Oneonta and Mohawk Val.....							1		38			

NAME OF ROAD.	CROSSINGS WITH STEAM RAILROAD								CROSSINGS WITH HIGHWAYS OUTSIDE OF CITIES AND VILLAGES.		
	PROTECTED BY								Protected by crossing alarm only.	Over grade.	Under grade.
	Unprotected.	Gates.	Flagmen..	Both gates and flagmen.	Intro-locking devices.	Signals not interlocked.	Derailing devices on electric railroads.	Over grade.			
Orange County.....								3			
Oswego.....	3		4								
Peekskill.....								1			
Penn Yan, Keuka Park and Branchport.....									3		
Plattsburgh.....	1		1						1		
Port Jervis.....							1	1			
Poughkeepsie City and Wappingers Falls.....	2							2			
Richmond Light and R. R. Rochester.....			3	1	*1			11	9	62	2
Rochester and Eastern Rapid.....							†2	4	2	42	
Rochester and Suburban.....			1					2		4	
Schenectady.....			1	1	1			2	4	28	
Southern Boulevard.....							†2	1			
Staten Island Midland.....											
Syracuse, Lakeshore and Northern.....	1						1	2	5		
Syracuse Rapid Transit.....	3		11					2	2		1
Syracuse and Suburban.....									9		
Tarrytown, White Plains and Mamaroneck.....				2				1			
Thirty-fourth St. Crosstown (New York City).....			1								
Troy and New England.....									5		
Twenty-eighth & Twentyninth Sts. Crosstown (N. Y. City).....				2							
Union (N. Y. City).....				2	2						1
United Traction (Albany and Troy).....	2		5	9						3	2
Utica and Mohawk Valley.....	2						†8	2	2	7	1
Wallkill Transit.....			1					2	3	6	
Warren and Jamestown.....								1	1	5	
Waverly, Sayre & Athens.....								2			
Westchester Electric.....							1	1	1		
Yonkers.....				1			1	1			
	63	17	71	32	10	1	63	114	83	567	4
										10	14

RECAPITULATION.

Crossings with steam railroads, unprotected.....	63
Crossings with steam railroads, protected.....	194
Crossings with steam railroads, over or under grade.....	197
Total number of crossings with steam railroads.....	454
Crossings with highways, outside of cities and villages, unprotected.....	567
Crossings with highways, outside of cities and villages, protected.....	4
Crossings with highways, outside of cities and villages, over or under grade.....	24
Total number of crossings with highways, outside of cities and villages.....	595

*Also by gates. †One also by gates and flagmen. ‡Also by gates and flagmen. §Also by derailing device.

Physical Condition of Steam Surface Railroads.

In 1906 the companies expended from operating expenses for maintenance of way and structures \$46,741,038.08, which is \$2,847,525.90 more than was expended from operating expenses for those purposes in 1905. They expended from operating expenses for maintenance of equipment \$54,356,569.54, which is \$4,629,389.86 more than was expended from operating expenses for this purpose in 1905.

We believe that the time has come when by statute it should be provided that all passenger cars on all steam railroads (including Pullman cars) shall, within a limited period, be lighted by gas or electricity. We also believe that out-of-date passenger coaches, many of which are operated on steam railroads in this State, should be replaced as soon as practicable.

The use of steel freight cars is increasing, and on the electric lines of the New York Central and Long Island railroads near New York city steel passenger cars are generally in use. Steel passenger cars are safer than wooden cars, and their quick installation on those railroads whose financial condition is such that it may reasonably be said they can afford them, should follow. The companies in their consideration of this subject should give the proper weight to what is due the public from whom the revenues are derived and not consider alone the matter of economy to themselves. The improvements in passenger equipment which have come in the past have covered long periods of time, and the platforms, couplers and brakes which are now considered indispensable were slow in arriving. Conditions, however, have changed, and the public expects that proved advances such as are represented by gas or electric light and by steel cars shall be adopted by prosperous companies without delay.

The introduction of the electric third rail as motive power for steam railroads and the likelihood of its extension makes necessary its proper protection to prevent accidents. On both the Long Island and the New York Central railroads it is protected by a wooden covering, does not cross streets or highways, and unless to trespassers there is little danger. In the case of accidents to trains where passengers may leave the cars there may be some danger, but this is remote and the covering probably in most such cases would prevent injury, or the current be cut off through disconnection of the rails.

During the year a locomotive boiler inspector was appointed, and the provisions of the act are being carried out. He reports generally on this subject as follows:

The inspection of locomotive boilers under state supervisions has been attended with much success during the past year. Nearly 22,000 inspections were made and reported to the Board, resulting in the discovery of a large number of defects and the condemnation of many boilers.

Prior to the passage of the boiler inspection law many roads made no inspections at all while others employed "handy men" or other incompetent inspectors, which meant that boilers were often operated under dangerous conditions. Several roads operating in this State have no mechanical officers, consequently the boilers in the past received little or no care. These roads now realize the danger of operating old and oftentimes cast off locomotives from other roads, and are inspecting the boilers regularly. The larger roads made inspections more or less thorough and with varying degrees of regularity, dependent on the demand for power. In busy seasons inspections and repairs were often of a most superficial character, and the safety of the boiler was a matter of doubt.

The past year has been one of great activity. There has been an enormous demand for power, and as a result locomotives have been left in service as long as possible and extensive repairs made only when absolutely necessary.

These conditions are gradually being corrected, and at present all roads are inspecting their locomotive boilers regularly. Competent inspectors are employed, the officials are paying more attention to inspections and repairs and employees have been given more explicit instructions regarding inspections.

The staybolt problem is being attacked vigorously by many roads, and larger quantities of special bolts are applied. This will undoubtedly produce good results both from an economical and safety standpoint.

Generally speaking, the entire matter of the safety of boilers is being given the attention it deserves.

During the year a circular was issued by the Board requiring immediate telegraphic notice to be given of all serious accidents to locomotive boilers. All accidents thus reported have been investigated and good results are expected from the enforcement of this order.

During the year the Board recommended to steam railroads that they equip their passenger cars with stepping boxes for passengers to be used at stations where there are low platforms or no platforms. The responses to this recommendation show that it is being generally complied with.

The Board also recommended to steam railroad companies that, owing to the large number of electrical power transmission lines which are being constructed throughout the State, the companies give especial care to the matter of the safe supports of these lines where they cross their railroads. The responses to this recommendation show that it is being complied with. We respectfully direct the attention of the legislature to the desirability of a statute on this entire subject, so that these lines shall be properly constructed on highways and through villages and cities.

The usual inspections of steam surface railroads (about half the mileage of the State being inspected each year) have been made by the inspector of the Board, copies of which as usual were transmitted to the companies with letters of recommendation for improvements where recommendations were made in the reports. These reports are printed in this volume, and at the end of each, where recommendations were made, will be found a statement as to compliance by the companies with the recommendations. A special inspection of all drawbridges on steam railroads was made by the inspector during the year.

The inspector of the Board reports generally on the physical condition of steam surface railroads as follows:

The physical condition of practically all steam railroads in this State has been bettered during the year 1906. A great number of new steel bridges have been erected, replacing iron bridges of lighter character or timber structures. In all cases where new bridges have been erected the masonry has been either entirely rebuilt or remodeled, and repaired where necessary. A great number of smaller openings to grade, such as culverts and cattle passes, have been replaced with new or repaired masonry with solid covering of metal and concrete and tracks ballasted over them, eliminating the openings to grade. Many trestle structures have been replaced with steel or iron bridges, erected on proper masonry, or with iron pipe, concrete arch or box culverts, and filling, and there now remain comparatively few timber structures in the roadway of any of the important lines or branches of railroads, and the number on the less important small roads or branch lines has been materially reduced, and this class of improvement is still being made on almost all roads as rapidly as renewal of the structures becomes necessary. The cross-ties generally are in fully as good condition as at any time since your inspector has been connected with the Board. A great amount of new and heavier rail has been laid in track, replacing lighter rails that had become worn to a greater or less extent. More miles of track have been reballasted during the past year than in any recent year and the use of broken stone ballast on more important roads has been greatly extended. Much has been done by the larger roads and some of the lesser ones to reduce grades and curvature, and in some cases many miles of new line have been or are now being constructed for that purpose. More miles of new railroad have been constructed or are now under construction than in any recent year. Terminal and yard facilities have generally been improved and increased; much of that class of work is still in progress, and it is probable that in the coming year there will be still greater improvement in the physical condition of roads than in the one just passed. The station buildings throughout the State are in generally good condition and considerable improvement in them has been made. Many new stations have been erected and they are generally of improved form and increased in dimensions over those replaced. The installation of interlocking and block signal systems has been also extended and greater territory embraced in those systems. The motive power and rolling stock, although considerably added to by the purchase or construction of new locomotives and cars, are not generally in as good physical condition as one year ago, owing to the fact that the volume of business has been so tremendous that it has overtaxed the carrying capacity of practically all railroads, necessitating their continued use, when their condition could have been much improved by making some repairs to them. Another reason for there being more delay to traffic than there has been generally in former years is the fact that owing to the coal strike of last summer the roads were unable to accumulate any quantity of coal previous

to the heavy fall and winter movement of freight, and since that movement commenced have experienced great difficulty in getting sufficient coal, of even inferior quality, for use, and have been obliged to use motive power and rolling stock which should have been in other service in transporting coal for their own use, and, beside, were obliged to use much coal of an inferior quality.

The question of the ventilation of sleeping cars should receive greater attention. While this is a difficult subject it would seem that grounds for complaint in many instances could be removed by more care.

On June 30, 1906, the number of locomotive engines (passenger and freight) owned and leased by the companies reporting was 9,104, an increase of 449 over 1905. Of these locomotives 9,084 are equipped with power brakes and 9,088 with automatic couplers. The number of freight cars owned and leased by the companies reporting was 307,312, an increase of 15,199; of these 304,830 are equipped with automatic couplers and 276,573 with automatic brakes. There were also reported in 1906, 10,527 cars used in passenger trains, of which 412 were parlor, sleeping, hotel, buffet and dining cars; 5,631 first-class passenger coaches; 470 second-class passenger coaches; 1,248 combination baggage and passenger cars; 2,438 baggage, mail and express cars; 328 motor cars. These figures do not include Pullman cars.

A table of steam surface railroad mileage in detail and total will be found in this volume. Following is a table of miles of railroad in and out of the State operated by electricity by steam surface railroad companies reporting to this Board; this does not include the recently installed operation by electricity of the New York Central near New York city:

OPERATED BY ELECTRICITY INCLUDED IN STEAM ROADS.	MAIN TRACK.			ADDITIONAL TRACKS.			SIDINGS.		
	In New York State.	Entire Line.		In New York State.	Entire Line.		In New York State.	Entire Line.	
	Owned.	Owned.	Leased.	Owned.	Owned.	Leased.	Owned.	Owned.	Leased.
Albany and Hudson.....	37.35	37.35	27.88	3.10	3.10	.....	5.09	5.09	.....
Boston and Maine.....	53.37	18.10	.....	21.20	21.20	.....	1.15	1.15	2.34
Fonda, Johnstown and Gloversville.....	53.37	53.37	.....	21.20	21.20	.....	6.50	6.50	.....
Keseeville, Ausable Chasm and Lake Cham- plain.....	5.64	5.64	.....	53.16	30.51	22.65	.58	.58	.....
Long Island.....	42.18	27.84	14.34	.....	.....	.....	.....	.....	.....
Maine.....	.44	10.84	47.64	.....	3.18	14.65	.04	.04	.....
New York, New Haven and Hartford.....	7.50	7.50	.....	.....	.....	.....	.25	.25	5.85
Rochester, Charlotte and Manltou.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	146.48	161.08	89.86	77.46	57.99	37.30	12.46	15.48	8.19

Total main line.....	N. Y. State	Entire Line
Additional tracks.....	146.48	251.14
Sidings.....	12.46	85.29
Total all tracks.....	236.40	370.10

* Electric street roads.

† Fitted for both steam and electrical operation.

ELEVATED RAILROADS.

The only elevated railroads in the State are those in Greater New York. The Interborough Rapid Transit Company operates the Manhattan elevated railway as well as the subway railway. The elevated railroads in Brooklyn are owned by the Brooklyn Union Elevated Railroad Company, and are leased to and operated by the Brooklyn Heights Railroad Company (street surface), and the statistics in relation to them, except accidents, are included in the report of the Brooklyn Heights Railroad Company and in the figures given in this report under the title "Street Railroads." All of the elevated, as well as the subway, railroads are operated by the third rail electric system. This Board has not assumed jurisdiction of the subway, although statistical reports of operations in the subway are made to the Board.

The total number of passengers carried on the Manhattan Railway during the year ending June 30, 1906, was 257,796,754; in 1905, 266,381,930; a decrease in 1906 of 8,585,176. The average carried per day in 1906 (365 days) was 706,292; in 1905, 729,813. The total number of passengers carried in the subway, New York city, during the year ending June 30, 1906, was 137,919,632. The average carried per day (365 days) was 377,862. The fiscal year ending June 30, 1906, is the first complete year covered by reports to this Board of the operations of the subway, trains having begun running on October 27, 1904.

Following is a table of accidents occurring during the year ending June 30, 1906, on the elevated railroads. These are not included in the steam surface railroad accident table preceding nor in the street surface railroad accident table following.

1906.	PASSENGERS.		EMPLOYEES.		OTHERS.		TOTAL.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Brooklyn Union Elevated.....	10	56	8	8	13	2	31	66
Interborough Rapid Transit (Manhattan Ry. Division)...	22	134	11	16	6	2	39	152
Total.....	32	190	19	24	19	4	70	218

The lengths of the Manhattan and Brooklyn elevated railroads are given in a table published in this volume. The report of the

Interborough Rapid Transit Company for the year ending June 30, 1906, will be found in the second volume of this report.

Statistics as to elevated and subway railroads are included in a street railroad table under the next title.

STREET RAILROADS.

The statements under this title refer to street surface, elevated and subway railroads except as noted.

50.913 miles are outside of the State, these being electric railroads. The figures given are from the reports of the companies for the fiscal year ending June 30, 1906, except where otherwise stated. The comments refer to matters up to the time of writing this report. The separate reports of the companies for the year ending June 30, 1906, will be found in the second volume of this report.

Following is a comparative table of statistics compiled from the reports of these companies for the years ending June 30, 1905 and 1906. The statistics in this table are those of street surface electric, cable and horse railroads, and those of the Brooklyn Union Elevated Railroad, the Manhattan elevated railroad and the Subway.

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years ending June 30, 1905 and 1906.

STREET SURFACE, ELEVATED AND UNDERGROUND RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
<i>Assets.</i>		
Cost of road and equipment*	\$594,842,749 64	\$619,811,027 21
Permanent investments, supplies, cash and other assets	141,766,704 83	154,043,012 53
Total assets	\$736,609,454 47	\$773,854,039 74
<i>Liabilities.</i>		
Capital stock issued	\$318,842,959 82	\$331,478,899 00
Funded debt issued*	303,742,735 14	317,764,376 98
Other liabilities	103,482,312 89	112,571,335 69
Total liabilities	\$726,068,007 85	\$761,814,611 67
Excess of assets over liabilities	\$10,541,446 62	\$12,039,428 07
<i>Earnings from Operation.</i>		
From passenger transportation	\$69,920,488 98	\$77,841,051 72
From freight transportation	473,965 98	521,031 58
From express transportation	204,315 24	295,747 91
From mail transportation	89,711 59	105,713 18
From miscellaneous sources	41,603 87	55,759 70
Gross earnings from operation	\$70,730,085 66	\$78,819,304 09
<i>Operating Expenses.</i>		
Maintenance of way and structures	\$3,491,112 99	\$4,225,072 47
Maintenance of equipment	5,623,634 97	6,031,185 51
Operation of power plant	6,722,629 84	7,329,346 49
Operation of cars	17,712,438 37	18,557,037 39
General expenses	6,645,627 37	7,358,796 41
Total operating expenses	\$40,195,443 54	\$43,501,438 27
Net earnings from operation	\$30,534,642 12	\$35,317,865 82
Income from other sources	3,121,224 17	3,399,615 50
Gross income from all sources	\$33,655,866 29	\$38,717,481 32

* Does not include cost of subway built by New York city nor amount of bonds issued to pay for same.

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years ending June 30, 1905 and 1906.

STREET SURFACE, ELEVATED AND UNDERGROUND RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
<i>Deductions from Gross Income.</i>		
Interest*	\$5,848 453 08	\$6,761,770 97
Rentals of leased lines†	20,045,162 98	20,979,323 48
Taxes	3,943,697 24	4,285,968 46
Miscellaneous	771,286 05	1,009,732 24
Total deductions from gross income.....	\$30,608,599 35	\$33,036,795 15
Net income from all sources.....	\$3,047,266 94	\$5,680,686 17
<i>Payments from Net Income.</i>		
Dividends‡	\$4,393,800 04	\$4,817,659 91
Miscellaneous		
Total payments.....	\$4,393,800 04	\$4,817,659 91
Surplus or deficit for year.....	\$1,346,533 10	\$863,026 26
<i>Mileage.</i>		
Miles of road built and operated.....	\$2,099.798	\$2,157.847
Miles of additional track.....	993.434	1,030.921
Miles of sidings.....	212.228	228.319
Total miles of track.....	3,305.460	3,417.087
	June 30, 1905.	June 30, 1906.
† Used by lessors as follows (see Table D):		
Interest.....	\$8,476,383 40	\$9,357,801 18
Dividends.....	11,015,270 97	11,055,624 30
Not designated.....	553,508 61	565,898 00
	\$20,045,162 98	\$20,979,323 48
*Total interest as per table and note.....	\$14,324,836 48	\$16,119,572 15
‡Total dividends as per above tables and note.....	\$15,409,071 01	\$15,873,284 21

* Surplus. d Deficiency.

‡ Includes 46.27 in 1905 and 50.91 in 1906 miles of main track outside of state.

‡ Includes interest (\$623,690.61 in 1905 and \$1,410,476.19 in 1906) paid city of New York on bonds issued to pay for building subway.

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years ending June 30, 1905 and 1906.

STREET SURFACE, ELEVATED AND UNDERGROUND RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
<i>Equipment.</i>		
Horses.....	3,643	3,390
Steam locomotives.....	106	*16
Electric locomotives.....	5	9
<i>Motor or Cable.</i>		
Box cars.....	6,737	6,855
Open cars.....	3,886	3,895
Combination box and open cars.....	557	1,035
Semi-convertible and combination passenger and express cars.....	31	545
Mail cars.....	13	42
Express, freight and other cars.....	531	536
Snow plows, sweepers, etc.....	402	400
<i>Without Motor.</i>		
Box cars.....	1,953	1,659
Open cars.....	646	417
Combination box and open cars.....	393	36
Express, freight and other cars.....	299	409
Snow plows, sweepers, etc.....	59	8
Total.....	15,507	15,837
Wheel or truck fenders.....	7,405	7,689
Interchangeable body fenders.....	8,540	8,901
Total.....	15,945	16,590
Number equipped with power brakes.....	4,181	4,869
<i>Miscellaneous Statistics.</i>		
Number of passengers carried, including trans- fers.....	1,717,423,451	1,913,433,019
Number of transfers.....	329,998,674	378,415,828
Tons of freight carried.....	829,291	1,603,182
Passenger car mileage.....	279,261,802	307,619,065
Freight and express car mileage.....	1,867,357	2,210,428
Mail car mileage.....	239,466	301,246
<i>Per passenger carried:</i>		
Gross earnings from operation (cents)†.....	4.12	4.12
Operating expenses (cents)†.....	2.34	2.27
Net earnings from operation (cents).....	1.78	1.85

* 14 used on Brooklyn Union Elevated and 2 on Marcellus and Otisco Lake.

† Includes earnings and expenses of passengers, freight, mail, express and miscellaneous.

COMPILATION FROM REPORTS OF RAILROAD COMPANIES.

ROADS IN OPERATION.

Comparative Statement for Years ending June 30, 1905 and 1906.

STREET SURFACE, ELEVATED AND UNDERGROUND RAILROADS.

	For year ending June 30, 1905.	For year ending June 30, 1906.
<i>Miscellaneous Statistics—Continued.</i>		
<i>Per mile of road operated:</i>		
Capital stock outstanding.....	\$151,844 44	\$153,615 57
†Funded debt outstanding.....	†144,653 17	147,259 92
†Cost of road and equipment.....	†283,285 43	287,235 85
Gross earnings from operation.....	33,684 20	36,526 82
Operating expenses.....	19,142 51	20,159 65
Net earnings.....	14,541 69	16,367 17
Maintenance of way and structures.....	1,662 60	1,958 00
Maintenance of equipment.....	2,678 18	2,795 00
Operation of power plant.....	3,201 55	3,396 60
Operation of cars.....	8,435 29	8,599 80
General expenses.....	3,164 89	3,410 25
Number of passengers carried.....	817,898	886,732
Percentage of net income to capital stock*.....	4.41	5.05
Percentage of dividends declared to capital stock.....	4.83	4.79
Percentage of gross income to cost of road and equipment.....	5.66	6.25
Percentage of operating expenses to gross earnings from operation.....	56.83	55.19
Average number of employees during year.....	41,699	43,285
Aggregate salaries and wages paid them.....	\$27,651,598 86	\$28,882,153 60

*As the cost of road and equipment, capital stock and debt of lessor companies are included with operating companies under these heads respectively, the income of such lessor companies should be included in any computations based on these accounts, therefore the percentage of net income to capital stock is computed on the following basis:

	June 30, 1905.	June 30, 1906.
Net income as herein above shown.....	\$3,047,266 94	\$5,680,686 17
Add portion of rentals used by lessors for dividends as before shown in note (dividends not being a fixed charge).....	11,015,270 97	11,055,624 30
Total net income of operating and lessor companies.....	\$14,062,537 91	\$16,736,310 47

† Not including cost of building subway or amount of bonds issued by New York city to pay for same.

It will be seen from the preceding table that the total gross earnings from operation of the street surface, elevated and subway railroads were \$78,819,304.09, which is an increase of \$8,089,218.43 over 1905. Operating expenses were \$43,501,438.27, which is an increase of \$3,305,994.73 over 1905. A complete year for the subway was not included in 1905, as it was in operation but eight months of that year. The percentage of dividends to capital stock of said companies is 4.79; in 1905 it was 4.83. The miles of said railroads operated increased 58.049 miles. The number of passengers carried on street surface railroads in the boroughs of Manhattan and the Bronx, New York city, (including transfers) was 630,297,151; an increase of 28,536,284 compared with 1905. The number of transfers was 198,632,861. The number of transfers in these boroughs increased 9,894,552. The average number of passengers carried on street surface railroads in the boroughs of Manhattan and the Bronx per day (365 days) was 1,726,841 during 1906. These figures as to Manhattan and the Bronx include some passengers carried in Westchester county. The number of passengers carried in the borough of Brooklyn (including transfers and including those carried on the elevated railroads) was 492,659,270. The number of transfers was 102,887,834. The average number carried per day (365 days) in the borough of Brooklyn was 1,349,751. These include some carried in the borough of Queens by the Brooklyn roads.

Following will be found tables giving percentages of operating expenses:

PERCENTAGES OF SUBDIVISIONS OF OPERATING EXPENSES TO GROSS EARNINGS FROM OPERATION FOR THE YEARS ENDING JUNE 30, 1905 AND 1906, OF STREET SURFACE ELEVATED AND SUBWAY RAILROADS.

	1905.	1906.
Maintenance of way and structures.....	4.93	5.37
Maintenance of equipment.....	7.95	7.64
Operation of power plant.....	9.50	9.30
Operation of cars.....	25.05	23.55
General expenses.....	9.40	9.33
	56.83	55.19

PERCENTAGES OF SUBDIVISIONS OF OPERATING EXPENSES TO
TOTAL OPERATING EXPENSES FOR THE YEARS ENDING JUNE
30, 1905 AND 1906, OF STREET SURFACE ELEVATED AND SUB-
WAY RAILROADS.

	1905.	1906.
Maintenance of way and structures.....	8.70	9.72
Maintenance of equipment.....	13.99	13.87
Operation of power plant.....	16.70	16.85
Operation of cars.....	44.07	42.66
General expenses.....	16.54	16.90
	100	100

PERCENTAGE OF OPERATING EXPENSES TO GROSS EARNINGS FROM
OPERATION FOR TEN YEARS.

1897	60.57
1898	60.97
1899	59.62
1900*	58.78
1901*	56.89
1902*	58.91
1903*	57.70
1904†	56.30
1905†	56.83
1906†	55.19

* Including elevated roads in Brooklyn.

† Including elevated roads in Brooklyn and Manhattan and (beginning with 1905) the Subway in Manhattan.

The following table gives statistics relative to the operation of some of the more important companies.

Street Surface Railway (some principal companies) Receipts and Expenditures per passenger and cost of operation per car mile for year ending June 30, 1906
OPERATED WHOLLY OR IN PART BY MECHANICAL TRACTION.

NAME OF ROAD.	Number of passengers carried, including transfers.	Total car mileage.	*BASED UPON GROSS EARNINGS FROM OPERATION AND OPERATING EXPENSES.			*BASED UPON RECEIPTS FROM ALL SOURCES AND TOTAL EXPENDITURES, INCLUDING FIXED CHARGES.			PER CAR MILE.		
			Average earnings per passenger.	Average cost of operation per passenger.	Cents.	Average receipts per passenger.	Average expenses per passenger.	Cents.	*Gross earnings.	*Operating expenses.	*Total expenses including fixed charges.
					Cents.			Cents.	Cents.	Cents.	Cents.
Albany and Hudson.....	1,385,461	703,088	15.16	12.11	19.04	18.76	30.09	24.03	37.27	37.27	37.27
Auburn and Syracuse.....	4,931,345	1,184,058	6.28	3.72	6.31	5.25	26.17	15.48	21.89	21.89	21.89
Binghamton.....	7,289,545	1,477,900	3.97	2.07	4.00	3.27	19.61	10.21	16.13	16.13	16.13
Brooklyn Heights.....	328,534,625	49,208,602	4.04	2.25	4.12	3.59	26.56	14.82	23.51	23.51	23.51
Coney Island and Brooklyn.....	40,093,248	6,871,509	4.10	2.98	4.15	3.74	24.12	17.37	18.41	18.41	18.41
Croton Street (Buffalo).....	17,744,498	2,806,971	3.38	1.94	3.41	3.00	21.56	12.26	18.09	18.09	18.09
Forty-second St., M and St. N. Ave. (N. Y. City).....	32,588,835	3,841,281	2.83	2.15	3.08	3.36	24.02	18.28	28.53	28.53	28.53
Geneva, Waterloo, Seneca Falls & C. L. Hudson Valley.....	1,940,164	1,446,980	4.69	2.82	4.69	3.96	20.18	12.25	30.00	30.00	30.00
International (Buffalo).....	6,535,010	1,977,586	8.48	4.99	8.71	3.05	28.11	16.55	20.62	20.62	20.62
Interborough Rapid Transit.....	102,264,448	16,358,461	4.00	2.30	4.12	3.30	25.04	14.72	18.41	18.41	18.41
Kingston.....	395,716,386	93,654,185	4.97	2.13	5.16	4.36	21.03	12.75	18.41	18.41	18.41
Long Island.....	4,716,490	817,584	3.28	2.21	3.31	2.92	23.82	13.75	20.29	20.29	20.29
Manhattan Consolidated.....	83,660,244	11,063,316	4.86	2.76	4.88	4.25	23.82	13.75	20.29	20.29	20.29
Nassau Electric.....	83,227,957	11,063,316	3.74	2.31	3.70	3.25	23.82	13.75	20.29	20.29	20.29
New York City.....	49,208,602	52,917,063	3.92	1.94	3.70	4.21	23.82	13.75	20.29	20.29	20.29
New York and Queens Co.....	3,035,481	3,623,822	3.92	2.37	4.03	3.94	23.82	13.75	20.29	20.29	20.29
New York and Queens Co.....	21,035,481	8,038,828	3.92	2.37	4.03	3.94	23.82	13.75	20.29	20.29	20.29
Rochester.....	54,148,094	8,038,828	3.76	2.91	3.93	3.94	23.82	13.75	20.29	20.29	20.29
Rochester and Eastern.....	12,794,203	3,240,573	19.98	12.64	20.75	20.05	31.34	19.84	31.47	31.47	31.47
Schenectady.....	1,995,687	4,497,559	6.79	4.37	8.89	7.92	26.70	17.95	23.80	23.80	23.80
Schenectady and Suburban.....	25,453,517	4,320,371	8.01	5.13	8.87	7.92	21.05	12.33	19.41	19.41	19.41
Syracuse Rapid Transit.....	36,331,703	7,562,079	4.86	3.07	4.04	3.29	23.82	13.41	19.35	19.35	19.35
United Railroads.....	16,535,791	3,545,233	5.43	3.16	5.46	4.25	25.33	14.76	19.84	19.84	19.84
Utica & Mohawk Valley.....	47,214,708	7,028,279	3.18	2.24	3.22	2.85	21.38	15.09	19.16	19.16	19.16
Union (N. Y. City).....											

*Includes earnings and expenses of freight, express, mail and all other business. †Includes all lines operated by Brooklyn Heights not making separate reports. ‡Includes portion operated by horses. §Includes all lines operated by New York City Railway Company not making separate reports and also includes lines operated by horses.

Following is a table of accidents occurring on street surface railroads during the year ending June 30, 1906. Accidents in shops are not reported.

The following table shows increases and decreases in street surface and subway railroad mileage in the State during the year.

INCREASES.	
Brooklyn, Queens County and Suburban.....	.622
Bush Terminal (Brooklyn).....	2.675
Cortland County Traction.....	5.000
Electric City (Niagara Falls).....	2.415
Glen Cove.....	3.280
Interborough (New York City):	
Rapid Transit (Subway).....	4.830
Ithaca and Cayuga Heights.....	2.380
Long Island Electric.....	100
Marcellus and Otisco Lake.....	9.000
Newark and Marion.....	8.190
New York City Railway and leased lines.....	.593
New York City Interborough.....	4.120
Ocean Electric (Far Rockaway).....	.240
Oneonta and Mohawk Valley.....	2.980
Rochester:	
Rochester and Sodus Bay.....	.170
Rochester and Suburban.....	.060
Rochester and Eastern Rapid:	
Ontario Light and Traction.....	.060
Syracuse, Lakeshore and Northern.....	.430
Syracuse Rapid Transit.....	.150
Union (New York city).....	.071
Warren and Jamestown.....	10.000
Waverly, Sayre and Athens.....	1.330
Westchester Electric.....	.055
City of New York—Williamsburgh Bridge.....	1.577
	60.328
DECREASES.	
Brooklyn Heights:	
Prospect Park and Coney Island.....	.070
Corning and Painted Post.....	.048
Dry Dock, East Broadway and Battery (New York City).....	.025
Hamburg.....	.930
Hudson Valley.....	.750
International (Buffalo).....	2.740
Rochester.....	1.150
Rochester and Eastern Rapid.....	1.210
	6.921
Net increase.....	53.407

The above does not include the following which have constructed road since June 30, and up to January 1, 1907, as follows:

Buffalo, Lockport and Rochester, 2 miles.

Syracuse and South Bay, 10 miles of track laid and poles set up.

Danbury and Harlem, 6.50 miles.

Liberty and Jeffersonville, 2.40 miles. This track has also been constructed for some time previous to this year.

Rochester, Syracuse and Eastern, constructed from Rochester to Lyons, 37 miles, in operation since the early part of September and turned over to the company, which began operations on November 1, 1906.

Elmira, Corning and Waverly. "None of the railroad is absolutely finished, although a large part of the construction work has been completed."

A table in detail and total of street surface railroad mileage will be found in this volume.

The average number of persons, including officials, employed during the year ending June 30, 1906, on all the street railroads of the State (including street surface electric, cable and horse railroads, the Brooklyn Union Elevated Railroad, the Manhattan elevated railway and the subway) was 43,285. The aggregate amount of salaries and wages paid them was \$28,882,153.60. The percentage of gross earnings from operation paid in salaries and wages in 1906 was 36.64. The companies owned and operated on June 30, 1906, 6,855 electric motor or cable box cars; 3,895 electric motor or cable open cars; 1,035 electric motor combination box and open cars; 545 electric motor semi-convertible and combination passenger and baggage cars; 42 electric motor mail cars; 536 electric motor express, freight and other cars; 400 electric motor snowplows, sweepers and sprinklers; the total being 13,308. 15,837 fenders were reported in 1906 as in use on cars. Some of these fenders are transferred from one end of the car to the other at terminals and some of the devices reported as fenders are wheelguards. 2,529 other cars (being cars operated by horses, and box, open, freight, express, service cars and snowplows not equipped with motors) were also owned and operated on June 30, 1906.

The number of tons of freight reported as carried on the street surface railroads of the State during the year ending June 30, 1906, was 1,603,182; the number carried during each of the years beginning with the year 1899 was as follows:

1899	129,040
1900	153,343
1901	287,311
1902	394,641
1903	516,460
1904	633,674
1905	829,291
1906	1,603,182

On some of the roads separate express companies operate and in some of these cases the amount of freight carried is not reported.

During the year this Board recommended to street surface railroad companies that highway crossing signboards should be placed

and constantly maintained at every point where said railroads cross public highways at grade outside of cities and villages. This recommendation is being complied with. The Board also recommended to street surface railroad companies that especial care be given to the matter of safe supports for high voltage electrical transmission lines which cross or parallel said railroads. This recommendation is being complied with.

The equipment of street surface railroad cars with power brakes is proceeding and is so important that we believe a statute should be passed requiring the equipment of all motor cars within a limited period with such brakes.

General Business of the Board.

An unusual number of complaints on various subjects have been received during the year, the action taken on which will be found in detail in this volume. But few complaints as to freight or passenger rates are received. There is agitation for a general act reducing passenger fares on steam railroads to two cents a mile, as in some other States, and this may be the subject of bills to be introduced in the Legislature. During the year quite generally in this State passenger fares on such railroads have been reduced.

Conditions in Greater New York.

We submit the following statements in reference to the transportation conditions in Greater New York. These statements have heretofore been published but we repeat them because of the importance of the subject.

On none of the important lines operated in the boroughs of Manhattan, Brooklyn and the Bronx, or on none of the lines operated between Manhattan and Brooklyn, surface or elevated, can passengers ride in comfort or convenience during the so-called rush hours.

While the conditions of traffic in all portions of these three boroughs are deplorable during the above-mentioned hours, the climax is reached at the New York ends of the Brooklyn and Williamsburgh Bridges, at 149th street station on the Manhattan Railway, and at Bedford Park in the Bronx.

The above conditions are due to physical limitations which prevent the operation of a sufficient number of cars to properly accommodate the travel.

The question how to relieve these conditions is more important to the general public than the one as to who is responsible for their existence. Some of the suggestions and recommendations made by this Board in the past anticipating the existing conditions and advising means to make possible an increase in transportation facilities proportionate to the increased travel, are again stated:

January, 1903, the Board recommended the third tracking of the Second and Third avenue lines of the Manhattan Railway. The elevation of the surface tracks over Sands street on the Brooklyn approach to the Brooklyn Bridge.

February, 1903, in a report the Board stated:

"All of the available street car facilities in Greater New York, surface and elevated, are inadequate for reasonable comfort and rapid transportation of the people at the time when they most need to be transported, namely, during the hours between 7 and 10 a. m. and 5 and 7 p. m."

After discussing the reasons for the conditions then existing the Board added:

"These intolerable local traffic conditions to-day are due to the unexampled business activity of the whole country, coming down directly upon the stagnant, lethargic attitude of the municipal authorities for more than 20 years past. * * * * * The added capacity of the new underground railway will be fully lost sight of and neutralized by the growth of traffic within probably three years after it is opened for business. It is the judgment of this Board that at least two new lines of underground railway wholly in Manhattan and the Bronx, and three new bridges or tunnels between Manhattan and the boroughs of Brooklyn or Queens, should at once be begun. Unless some comprehensive work along these lines is forthwith undertaken and carried to completion with dispatch, the city will find itself beset by stagnated traffic difficulties and dangers which will completely overshadow the hard conditions which are to-day regarded as intolerable. * * * And while this branch of the situation is presented it is not inopportune for this Board to say that everything bearing upon it that has been done by the city government for many years past has been tardily undertaken and slothfully carried out. Improvements at and on the bridge have been dickered over in matters costing only paltry sums."

February, 1903, the Board recommended to the municipal authorities the adoption and enforcement of a code of regulations of vehicular traffic.

November, 1904, the Board recommended the widening of Livingston street in Brooklyn, to permit the construction of double tracks through it to relieve the congestion on Fulton street.

February, 1905, the Board recommended the construction of an elevated loop connecting the Manhattan ends of the Brooklyn and Williamsburgh Bridges, and that work on the Manhattan Bridge should be accelerated. Also the construction of some form of loop for surface cars at the New York terminus of the Williamsburgh Bridge, and the extension of Flatbush avenue.

With the exception of partial compliance with the suggestion for regulation of vehicular traffic (which has since been curtailed), none of the above suggestions have been complied with. All could have been by favorable action on the part of the local authorities.

The elevation of the surface tracks over Sands street would relieve the congestion of cars which now occurs at the Brooklyn approach to the Brooklyn Bridge, making possible a freer movement and the operation of 25 per cent. more cars over this Bridge. In compliance with the Board's recommendation in reference to this improvement a comprehensive plan was prepared embodying it which was submitted for the consideration of the Bridge Department, but no action has been taken to bring about the improvements suggested.

A re-arrangement of tracks and platforms at the New York end of the Brooklyn Bridge, which could be made with a comparatively small expenditure, would enable the operation of through Brooklyn elevated trains during the rush hours, in this manner obviating the delay and inconvenience caused by the transfer during those hours at the Brooklyn end of the Bridge. While practical plans have been prepared for some time to accomplish this result, no action has been taken to bring about their execution.

The work of widening Livingston street was practically completed in June of this year. No steps have been taken to carry out the suggestion of the Board for the construction of double tracks through this street. The utilization of tracks through Livingston street would enable a re-arrangement of car routing, so as to relieve the congestion of traffic which now occurs on Fulton street, making possible a freer movement of cars, and allowing a larger number to be run, benefiting the whole transportation system of the borough of Brooklyn.

One of the companies operating cars through Fulton and Washington streets made application to the local authorities for a fran-

chise to construct tracks through Tillary street or through private right of way near that street, connecting the tracks at Fulton and Washington streets. This application was not granted. The construction and utilization of such a connection would relieve the present congested condition of traffic at and near the City Hall, and enable material additions to be made to the service now operated on the lines through that section.

No favorable action has been taken by the local authorities on the Board's suggestion for the construction of an elevated connection between the New York ends of the Williamsburgh and Brooklyn Bridges. The construction of such a connection would permit of the operation of elevated trains in both directions over these bridges, and the present location of elevated structures in the borough of Brooklyn is such that trains could be operated in a manner making a circulating medium through the business and outlying residential sections of that borough. This method of operation would obviate the delay and inconvenience caused by the transfer now made at the Brooklyn end of the Brooklyn Bridge, and prevent the congestion which now occurs at the New York ends of both of these bridges during certain hours of the day. Such operation would permit of the carrying of a largely increased number of passengers.

The opening of the extension of Flatbush avenue is an important and necessary betterment, as it would provide an additional artery of travel through the business portion of Brooklyn, and to the thickly populated residential section tributary to that avenue. The suggestion of the Board in reference to this improvement has not been complied with.

Application to third track the Second and Third avenue lines of the Manhattan Railway was made by the operating company to the local authorities and permission refused. The third tracking of the Second and Third avenue elevated railroads from points in the business centre of lower New York to 129th street on the Second avenue, and as far north as practical beyond that point on the Third avenue line, would add 50 per cent. to the carrying capacity of these roads during the rush hours, relieving the present overloaded condition of the trains on these railroads, as well as materially reducing the overcrowded conditions in the Subway and on some of the surface lines in Manhattan during those hours. It would entirely relieve the congestion at the 149th street station caused by the transfer at that point.

As an illustration of the lack of consideration given to the important question of transportation by the municipal authorities, the following fact is cited:

South Broadway is the direct and main thoroughfare between the city of Yonkers and Manhattan. Operation of cars on this thoroughfare has been prevented for the past seven years by the construction of a sewer which could and should have been completed in 18 months, and it was only through the efforts of this Board that its completion was recently brought about. At present there is being operated on South Broadway a line of cars which in a short time will connect with a temporary station of the Subway, furnishing a through, rapid and convenient means of transportation between Yonkers and the Battery. This will materially relieve the congestion mentioned at Bedford Park in the Bronx, and enable more cars to be run between that point, Mount Vernon, West Mount Vernon and New Rochelle.

The Brooklyn Bridge was opened to traffic May 24, 1883. During that year there were carried on the surface and elevated railroads in Brooklyn, 79,777,000 passengers, and on the surface and elevated roads in Manhattan, 230,278,000. The Brooklyn Bridge remained the only means of transportation with any pretensions to rapid transit between these two boroughs until the opening of the Williamsburgh Bridge, which occurred December 19, 1903. During that year there were carried on the surface and elevated roads in Brooklyn 341,169,000 passengers, and 554,012,000 on the surface and elevated roads in Manhattan, which shows that during a period of 20 years between the opening of the Brooklyn and Williamsburgh Bridges there was an increase of 188 per cent. in passengers carried in the two boroughs, and no additions to the physical transportation facilities between these two points were made.

The Williamsburgh Bridge has been opened to traffic nearly three years, and on account of the insufficient and improper terminal facilities at the New York end, the operating companies are at present only running 305 cars per hour over it during the rush hours, and no elevated trains are being operated over this bridge. There are four surface car tracks which are being operated on this bridge. Three hundred cars per hour are being run over the Brooklyn Bridge on two tracks.

February, 1903, this Board published the prediction that the added capacity of the Subway would be neutralized by the growth

of traffic within three years after it was opened. That this prediction was correct is shown by the following:

During the year previous to the opening of the Subway, 1903, there were carried in the borough of Manhattan on the surface lines 554,012,000 passengers. On the Manhattan railway 246,586,000. A total of 800,598,000. During the year ending June 30, 1906, there were carried on the surface lines 569,994,000. On the Manhattan railway 257,796,000. In the Subway 137,919,000. A total of 965,709,000. An increase of 165,111,000 or 20 per cent. Of this total the Manhattan railway carried 257,796,000 and the surface lines 569,994,000, an increase in the number carried on the Manhattan railway of 11,210,000, or four and one-half per cent. And on the surface lines of 15,982,000, or two and eight-tenths per cent. in the year 1906 while the Subway was in operation, compared with the year 1903 before its completion.

Based on the above figures, and from knowledge of the situation gained by years of detailed investigation of traffic conditions in Greater New York, the Board makes the following statements:

With the present physical conditions sufficient cars and trains cannot be run to properly accommodate the present travel on any of the important borough or inter-borough lines, including the Subway, during the commission hours.

If the recommendations of this Board mentioned in this communication had been complied with, sufficient cars and trains could now be run on all of the lines in Greater New York to furnish safe, comfortable and rapid transit for the existing travel during the rush hours.

If the present prosperity of this country continues and no material additions are made to the trackage and terminal facilities of the railroads in Greater New York within three years, traffic conditions will be such as to materially affect the business conditions and retard the growth of the city.

Based on past experience and future indications the estimate is made that the completion of any subway such as will materially add to the traffic facilities, will not be accomplished in less than five years.

The contemplated subways which may be constructed and put in operation within the next five years will not properly accommodate the increased travel which will exist at the time of their completion.

The only means suggested by the local authorities to better traffic conditions in Greater New York is by the construction and operation of additional subways.

A branch office of the Commission was established in New York city in May, 1904. At all times during office hours some members of the Board or their representatives are in attendance. Public hearings on matters affecting transportation in Greater New York and vicinity are held in this office. More than 300 reports have been made since the opening of the office, based on investigations of complaints, inspections of physical conditions of railroads and of their equipments, and examinations of methods of operation of companies in and about this city, nearly all of which contained recommendations to relieve the matters complained of, or to better existing conditions.

The Board herewith cites some of the betterments resulting from these recommendations:

Three years ago, with one exception, there was not a railroad company operating in Greater New York that had sufficient power or sufficient cars to properly provide for the traffic on its lines. At present there is not a railroad company operating in the boroughs of Manhattan, Brooklyn or the Bronx but has practically all the cars which can be run with the present trackage facilities, and none in the boroughs mentioned but has sufficient power to properly operate, heat and light all of the cars which at present can be run.

No one of the companies operating in the various boroughs (with one exception) had made any adequate preparations for taking care of future business so far as arranging for additional power, and it was only after urgent and repeated efforts by this Board that steps were taken by these companies to make the necessary provisions. This is particularly true of the Brooklyn Heights Railroad Company, who has in the last three years added about 75,000 HP to their equipment.

The Commission has recommended to the different companies the purchase of a sufficient number of additional cars to provide for the necessities of future increase in travel, and for the additions to power plants necessary for the operation of the same. It has brought about the erection of shelter stations at numerous transfer points; caused marked improvement in the sanitary condition of cars and in their ventilation; caused a reconstruction of the elevated cars in a manner to add to their safety and reduce

the possibility of fire in them; have been instrumental in the equipment of elevated railroads with safety devices, and the improvement of interlocking and signal plants on them; have caused the adoption of proper rules by the different companies for the government of employees; have caused the construction and operation of new and additional car lines where possible; have recommended to the New York City Railway Company the electrification of all of its horse car lines; have caused a number of important additions and changes in tracks, structures and stations; have caused the full utilization of all of the limited trackage facilities; and have caused general improvement in conditions affecting the safety, comfort, and convenience of the public.

By earnest and persistent efforts this Board have been able to secure many betterments to the service in the past. Conditions are now such that no material additions such as are necessary can be made during the rush hours. The necessity for some relief is so apparent, and the situation so serious, having in mind the tremendous activity concentrated in the very limited space available in the south end of Manhattan, where hundreds of thousands of people from a radius of 50 miles, seeking to reach and leave what may be likened to the small end of a funnel at about the same hour, that no hobby, theory, private or corporate interests should be allowed to prevent the adoption of any and all means to bring about its accomplishment.

It is the judgment of this Board that such relief can only be furnished in the near future through the carrying out of the different recommendations made by it, which are hereby again submitted and emphasized, namely:

The connection of the Williamsburgh and Brooklyn Bridges by an elevated structure.

The construction of some form of loops for surface cars at the New York terminus of the Williamsburgh Bridge.

The elevation of the surface tracks over Sands street to and from the Brooklyn end of the Brooklyn Bridge.

The connection of the Fulton and Washington street tracks at or near Tillary street in the borough of Brooklyn.

The extension of Flatbush avenue.

The extension of the police traffic regulations, which have been curtailed.

The immediate construction and utilization of tracks through Livingston street in the borough of Brooklyn.

The third tracking of the Second and Third avenue lines of the Manhattan railway.

The Board again repeats the suggestion that work on the Manhattan Bridge should be accelerated.

The operation and management of all Subway lines is under the direction of the New York City Rapid Transit Commission.

Limitation of the powers of the Board has prevented the carrying out of many of the recommendations made. We believe that the Legislature should give the Board power to enforce its orders.

All of which is respectfully submitted.

GEORGE W. DUNN,
FRANK M. BAKER,
JOSEPH M. DICKEY,
GEORGE W. ALDRIDGE,
HENRY N. ROCKWELL,
Commissioners.

Ten Year Comparisons.

The following series of comparative tables, the figures of which are taken from the annual reports made by the Board for the years 1897 to 1906 inclusive, show the progress of steam railroad enterprise in this State during the past 10 years. It should be remembered that beginning with 1901 the figures include the entire system of the Boston and Maine Railroad, and beginning with 1902 include all of the Rutland Railroad Company's system.

TABLE SHOWING TOTAL ASSETS.

YEARS.	Cost of road and equipment.	Other permanent investments.	Cash and current assets.	Total assets.
1897.....	\$1,337,928,708	\$143,097,876	\$62,694,176	\$1,543,718,760
1898.....	1,343,035,902	277,160,116	59,448,307	1,679,650,325
1899.....	1,337,536,656	304,569,940	68,633,051	1,710,739,647
1900.....	1,362,945,827	328,432,446	76,421,942	1,767,800,215
1901*	1,493,620,160	336,573,921	98,929,155	1,929,123,236
1902†	1,517,014,299	342,042,292	110,447,008	1,969,503,599
1903.....	1,552,173,802	385,657,529	122,356,105	2,060,187,436
1904.....	1,561,330,371	439,584,199	121,505,029	2,122,399,599
1905.....	1,604,005,329	456,665,373	151,790,182	2,212,460,884
1906.....	1,668,867,657	523,427,686	217,196,213	2,409,491,556

TABLE SHOWING TOTAL LIABILITIES.

YEARS.	Capital stock.	Funded debt.	Unfunded debt.	Total liabilities.
1897.....	\$751,780,390	\$668,099,618	\$75,979,885	\$1,495,859,893
1898.....	776,539,404	787,756,644	71,135,208	1,635,431,256
1899.....	785,516,804	799,742,027	76,130,042	1,661,388,873
1900.....	807,661,204	803,326,525	98,615,797	1,709,603,526
1901*	842,142,374	893,660,906	127,632,614	1,863,435,894
1902†	878,983,694	891,632,890	123,843,161	1,894,459,745
1903.....	899,543,728	905,362,391	169,584,142	1,974,490,261
1904.....	902,279,698	980,033,993	151,368,331	2,033,682,022
1905.....	913,489,999	1,044,987,719	161,710,376	2,120,188,094
1906.....	938,883,490	1,188,903,250	187,626,940	2,315,413,680

TABLE SHOWING SURPLUS OF PROPERTY ACCOUNT.

YEARS.	Total assets.	Total liabilities.	Surplus.
1897.....	\$1,543,718,760	\$1,495,859,893	\$47,858,867
1898.....	1,679,650,325	1,635,431,256	44,219,069
1899.....	1,710,739,647	1,661,388,873	49,350,774
1900.....	1,767,800,215	1,709,603,526	58,196,689
1901*	1,929,123,236	1,863,435,894	65,687,342
1902†	1,969,503,599	1,894,459,745	75,043,854
1903.....	2,060,187,436	1,974,490,261	85,697,175
1904.....	2,122,399,599	2,033,682,022	88,717,577
1905.....	2,212,460,884	2,120,188,094	92,272,790
1906.....	2,409,491,556	2,315,413,680	94,077,876

*Includes statistics of Boston and Maine Railroad for first time.

†Includes statistics of Rutland Railroad for first time.

BOARD OF RAILROAD COMMISSIONERS.

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TABLE SHOWING MAIN LINE AND TRACK MILEAGE.

YEARS.	Total miles of road main line operated.	Total miles of road main line in State of New York.	‡Miles of track operated.	‡Miles of track in State of New York.
1897.....	15,188	8,114	27,487	14,735
1898.....	15,180	8,065	27,783	14,568
1899.....	15,280	8,075	27,801	14,833
1900.....	15,664	8,099	28,843	14,766
1901*.....	17,518	8,143	32,119	14,807
1902†.....	17,770	8,131	32,793	15,033
1903.....	17,956	8,222	33,366	15,290
1904.....	18,075	8,249	34,142	15,571
1905.....	18,325	8,254	35,005	15,950
1906.....	18,391	8,274	35,664	16,266

TABLE SHOWING LOCOMOTIVE AND CAR EQUIPMENT.

YEARS.	Locomotives.	Passenger cars.	Baggage, mail and express cars.	Freight and other cars.
1897.....	6,297	5,869	1,627	237,525
1898.....	6,271	5,900	1,658	233,043
1899.....	6,346	5,973	1,688	224,494
1900.....	6,499	5,925	1,729	245,561
1901*.....	7,464	7,091	2,100	266,112
1902†.....	7,784	7,083	2,218	277,453
1903.....	8,005	7,410	2,331	287,334
1904.....	8,390	7,926	2,293	290,898
1905.....	8,670	7,797	2,341	292,113
1906.....	9,125	8,089	2,438	307,312

TABLE SHOWING AVERAGE NUMBER OF EMPLOYEES.

YEARS.	Number of employees.	YEARS.	Number of employees.
1897.....	143,195	1902†.....	199,373
1898.....	140,992	1903.....	216,461
1899.....	150,061	1904.....	219,286
1900.....	159,155	1905.....	227,117
1901*.....	184,854	1906.....	244,742

TABLE SHOWING GROSS EARNINGS, OPERATING EXPENSES AND NET EARNINGS FROM OPERATION.

YEARS.	Gross earnings from operation.	Operating expenses.	Net earnings from operation.	Percentage of operating expenses to gross earnings from operation.
1897.....	\$204,252,615 41	\$139,146,406 28	\$65,106,209 13	68.12
1898.....	214,050,214 51	146,555,719 71	67,494,494 80	68.47
1899.....	220,027,722 90	149,411,333 05	70,616,389 85	67.91
1900.....	247,087,779 28	166,228,978 79	80,858,800 49	67.27
1901*.....	276,676,101 88	190,375,619 27	86,300,482 61	68.80
1902†.....	293,347,453 06	204,775,365 21	88,572,087 85	69.80
1903.....	321,550,569 60	226,991,079 61	94,559,489 99	70.59
1904.....	334,434,456 34	240,186,437 37	94,248,018 97	71.82
1905.....	348,813,233 45	247,922,018 43	100,891,215 02	71.07
1906.....	378,480,470 09	262,171,638 60	116,308,831 49	69.27

*Includes statistics of Boston and Maine Railroad for first time.

†Includes statistics of Rutland Railroad for first time.

‡Includes second and other additional track, sidings and switches.

TABLE SHOWING INCOME FROM ALL SOURCES.

YEARS.	‡Gross passenger earnings.	§Gross freight earnings.	Income from other sources.	Gross income.
1897.....	\$68,082,213 83	\$136,170,401 58	\$6,486,571 16	\$210,739,186 57
1898.....	69,199,529 85	144,850,684 66	9,021,144 67	223,071,359 18
1899.....	71,552,606 97	148,475,115 93	11,056,135 56	231,083,858 46
1900.....	77,363,840 29	169,723,938 99	10,894,351 64	257,982,130 92
1901*.....	91,109,809 60	185,566,292 28	13,153,015 10	289,829,116 98
1902†.....	102,041,124 06	191,306,329 00	16,085,453 14	309,432,906 20
1903.....	105,453,796 51	216,096,773 09	17,997,039 07	339,547,608 67
1904.....	108,996,231 48	225,438,224 86	18,965,293 10	353,399,749 44
1905.....	112,457,953 83	236,355,279 62	20,428,782 64	369,242,016 09
1906.....	122,108,200 07	256,372,270 02	23,262,965 40	401,743,435 49

*Includes statistics of Boston and Maine Railroad for first time.

†Includes statistics of Rutland Railroad for first time.

‡Includes mail, express and miscellaneous earnings.

§Includes miscellaneous earnings.

TABLE SHOWING GROSS EXPENDITURES AND NET SURPLUS.

Years.	Operating expenses.	Interest, taxes, rentals and miscellaneous.	Dividends and other payments from net income.	Gross expenditures.	Gross income.	Net surplus.	Percentage of gross expenditures to gross income.
1897.....	\$139,146,406 28	\$54,921,486 61	\$14,405,089 79	\$208,172,982 68	\$210,739,186 57	\$2,566,203 89	98.77
1898.....	146,555,719 71	55,702,627 84	14,549,282 67	216,807,630 22	223,071,359 18	6,263,728 96	97.20
1899.....	149,411,333 05	58,477,845 55	15,132,965 58	223,022,144 18	231,083,858 46	8,061,714 28	96.51
1900.....	166,228,978 79	61,181,908 20	16,568,689 91	243,969,576 90	257,982,130 92	14,012,554 02	94.57
1901*.....	190,375,619 27	71,462,664 21	17,108,892 30	278,947,175 78	289,829,116 98	10,881,941 20	96.24
1902†.....	204,775,365 21	74,914,340 70	19,619,339 50	299,309,045 41	309,432,906 20	10,123,860 79	96.73
1903.....	226,991,079 61	77,305,722 98	21,024,952 41	325,321,755 00	339,547,608 67	14,225,853 67	95.51
1904.....	240,186,437 37	79,270,964 99	23,327,746 82	342,785,148 88	353,399,749 44	10,614,600 56	96.99
1905.....	247,922,018 43	82,533,225 38	24,605,706 39	355,060,950 20	369,242,016 09	14,181,065 89	96.16
1906.....	262,171,638 60	98,930,298 25	27,331,087 37	388,433,024 22	401,743,435 49	13,310,411 27	96.69

*Includes statistics of Boston and Maine Railroad for first time.

†Includes statistics of Rutland Railroad for first time.

TABLE SHOWING DISTRIBUTION OF OPERATING EXPENSES PER MILE OF ROAD OPERATED.

YEARS.	Maintenance of way and structures.	Maintenance of equipment.	Conducting transportation.	General expenses.	Total cost of operation.
1897.....	\$1,595 34	\$1,566 47	\$5,653 26	\$346 36	\$9,161 43
1898.....	1,620 33	1,750 74	5,937 79	345 10	9,653 96
1899.....	1,670 67	1,788 57	5,972 70	346 29	9,778 23
1900.....	1,984 65	2,084 54	6,187 58	355 24	10,612 01
1901*.....	2,045 35	2,100 55	6,345 63	375 86	10,867 39
1902†.....	2,248 54	2,323 69	6,563 27	387 80	11,523 30
1903.....	2,480 37	2,259 84	7,509 15	392 09	12,641 45
1904.....	2,346 77	2,562 84	7,948 38	430 03	13,288 02
1905.....	2,395 22	2,713 56	7,971 40	448 65	13,528 83
1906.....	2,541 55	2,955 65	8,267 46	490 98	14,255 64

TABLE SHOWING DIVIDENDS PAID AND PERCENTAGE OF DIVIDENDS TO CAPITAL STOCK.

YEARS	Capital stock.	Net income.	Dividends paid from net income.	Dividends paid lessor companies as part of rentals.	Total dividends paid.	Percentage of dividends to capital stock.
1897.....	\$751,780,390 10	\$16,971,293 68	\$14,323,464 22	\$4,105,425 82	\$18,428,890 04	2.45
1898.....	776,539,404 03	20,813,011 63	14,546,582 67	4,044,738 58	18,591,321 25	2.39
1899.....	785,516,804 03	23,194,679 86	15,085,978 50	4,040,035 65	19,126,014 15	2.43
1900.....	807,661,204 03	30,571,243 93	16,247,282 25	4,087,400 67	20,334,682 92	2.52
1901*.....	842,142,374 73	27,990,833 50	16,608,614 25	7,144,434 92	23,753,049 17	2.82
1902†.....	878,983,694 22	29,743,200 29	18,975,339 50	7,341,222 29	26,316,561 79	2.99
1903.....	899,543,728 63	35,250,806 08	20,116,218 25	7,537,260 31	27,653,478 56	3.08
1904.....	902,279,698 63	33,942,347 38	23,327,746 82	7,530,325 28	30,858,072 10	3.42
1905.....	913,489,998 63	38,786,772 28	24,289,419 00	7,776,762 13	32,066,181 13	3.51
1906.....	938,883,490-52	40,641,498 64	27,030,198 75	7,838,116 00	34,868,314 75	3.71

*Includes statistics of Boston and Maine Railroad for first time.

†Includes statistics of Rutland Railroad for first time.

TABLE SHOWING PASSENGER AND FREIGHT TRAIN MILEAGE, NUMBER OF PASSENGERS AND TONS OF FREIGHT CARRIED AND NET EARNINGS PER MILE OF ROAD OPERATED.

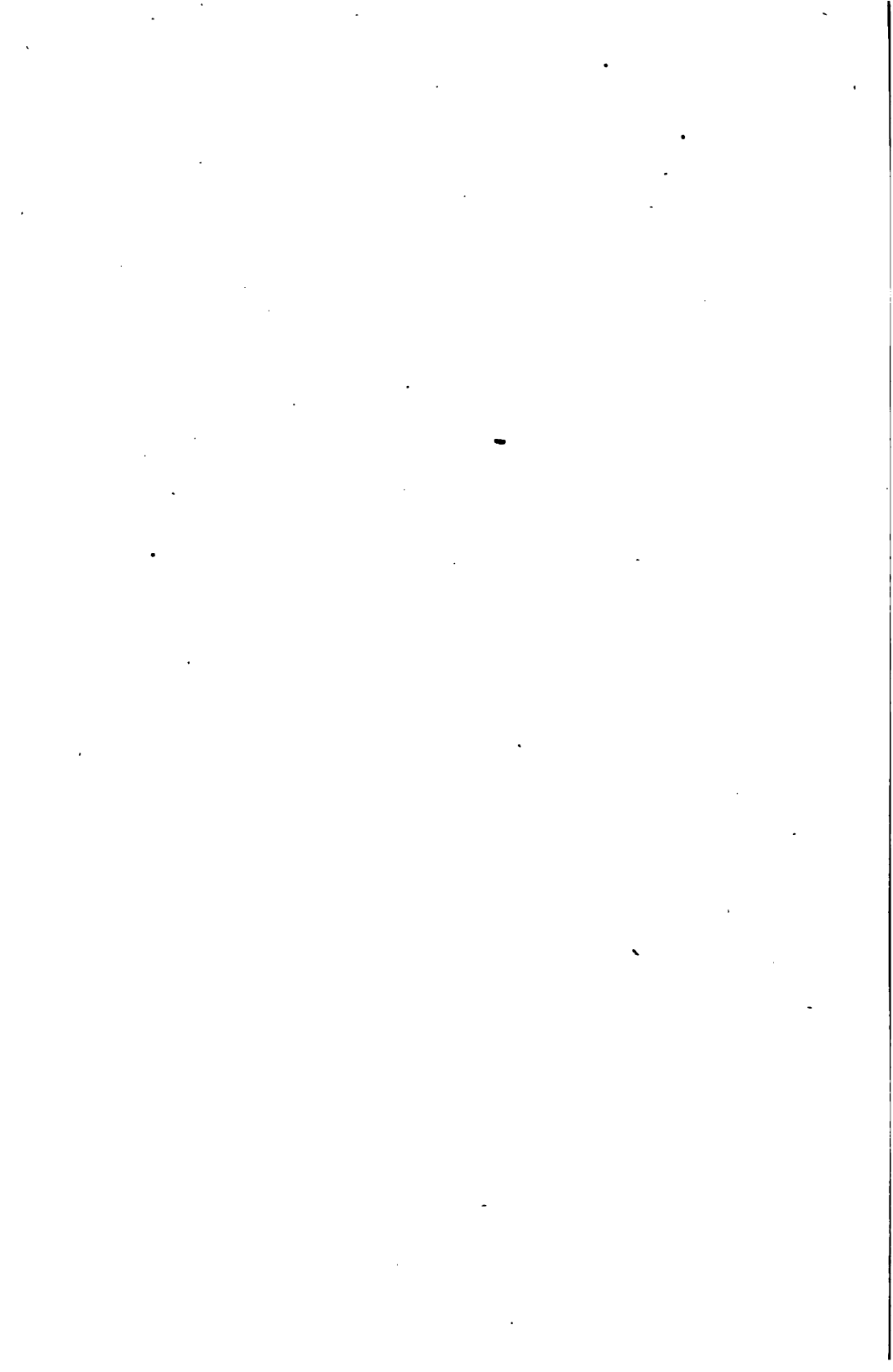
Years.	Pasenger train mileage.	Freight train mileage.	Mixed train mileage.	Number of passengers carried.	Tons of freight carried.	Pasenger profit per mile of road operated.	Freight profit per mile of road operated.	Gross earnings from operation per mile of road operated.	Operating expense per mile of road operated.	Net earnings per mile of road operated.
1897	64,668,848	78,604,514	.....	170,274,403	140,821,369	\$1,105.76	\$3,180.85	\$13,448.04	\$9,161.43	\$4,286.61
1898	68,046,314	82,201,699	.....	149,253,259	158,561,357	1,036.48	3,409.54	14,099.98	9,553.96	4,546.02
1899	65,859,769	78,123,788	.....	149,926,184	169,802,830	1,057.63	3,563.86	14,399.72	9,778.23	4,621.49
1900	70,197,042	85,714,235	.....	160,263,878	184,788,936	1,038.00	4,223.99	15,774.01	10,612.01	5,162.00
1901*	79,128,652	90,704,862	.....	199,358,549	197,041,867	1,040.12	3,886.26	15,793.77	10,867.39	4,926.38
1902†	83,440,622	78,197,420	.....	209,458,473	205,050,153	1,217.78	3,766.43	16,507.51	11,523.30	4,984.21
1903	84,104,592	81,688,008	.....	221,156,582	217,015,048	1,990.92	4,275.23	17,807.60	12,641.45	5,266.15
1904	87,053,244	83,234,657	.....	225,782,428	222,559,438	953.47	4,260.70	18,502.18	13,288.02	5,214.16
1905	87,598,132	84,218,700	.....	229,869,356	241,429,231	859.68	4,645.84	19,034.35	13,528.83	5,505.52
1906	90,766,641	88,626,057	.....	249,635,037	265,588,656	1,134.94	5,189.37	20,579.95	14,255.64	6,324.31

TABLE SHOWING RESULTS OF PASSENGER TRAFFIC PER PASSENGER PER MILE AND OF FREIGHT TRAFFIC PER TON PER MILE WITH PERCENTAGES.

Years.	PASSENGER EARNINGS AND EXPENSES PER PASSENGER PER MILE.			FREIGHT EARNINGS AND EXPENSES PER TON PER MILE.		
	Earnings (cents.)	Expenses (cents.)	Profits (cents.)	Earnings (cents.)	Expenses (cents.)	Profits (cents.)
1897	2.23	1.68	.55	.709	.457	.252
1898	2.20	1.70	.50	.665	.428	.237
1899	2.17	1.68	.49	.633	.401	.232
1900	2.17	1.76	.41	.646	.394	.252
1901*	2.12	1.70	.42	.679	.430	.249
1902†	2.04	1.64	.44	.699	.455	.244
1903	2.14	1.78	.36	.711	.458	.253
1904	2.15	1.81	.34	.731	.481	.250
1905	2.14	1.84	.30	.721	.461	.260
1906	2.15	1.78	.37	.709	.445	.264

*Includes statistics of Boston and Maine Railroad for first time.

†Includes statistics of Rutland Railroad for first time.



PHOTOGRAPHS.

Some of the Structures erected in the Elimination
of Certain Grade Crossings.



City of Rochester — View looking east, of the former North Union street N. Y. C. & H. B. B. B. grade crossing.

SECRET



City of Rochester — View of completed undergrade crossing of the main line of the N. Y. C. & H. R. R. at North Union street.

SECRET



Town of Carmel, Putnam County — View looking north of Laight's overgrade crossing of the Putnam Division of the N. Y. C. & H. R. R. This was formerly a grade crossing.

UNCLASSIFIED



Town of North Hempstead, Nassau County — View of completed Priors road undergrade crossing of the Long Island R.R. Formerly a grade crossing.

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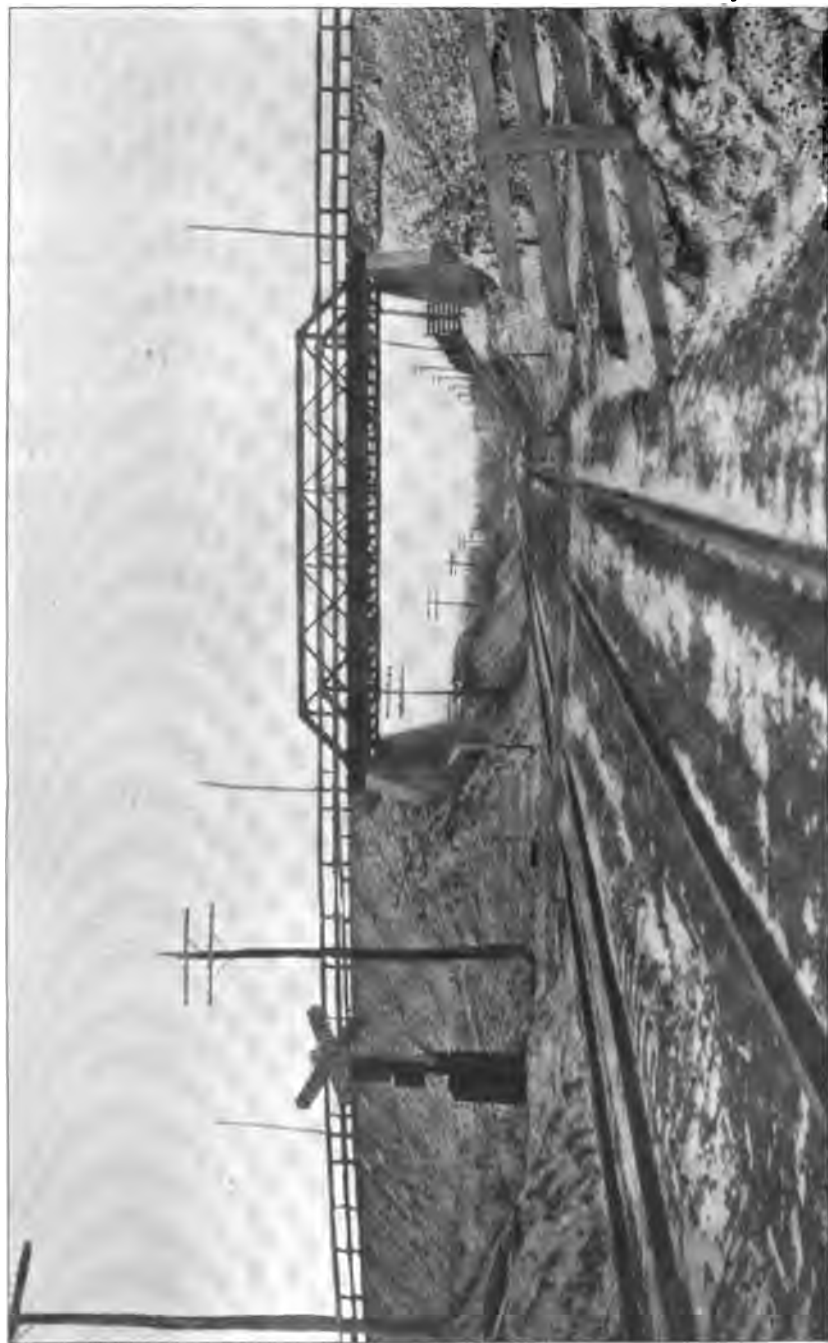


Town of Wallkill, Orange County — View of overgrade crossing of N. Y. O. & W. R. R. By means of this structure two grade crossings (Sand's and McCoy's) were abolished.

A scatter plot showing the relationship between the number of hours per week spent on a hobby (X-axis) and the number of hours per week spent on a job (Y-axis). The X-axis ranges from 0 to 10, and the Y-axis ranges from 0 to 10. The data points show a negative correlation, with a regression line drawn through them.



City of New York — View of completed undergrade crossing of the Putnam Division of the N. Y. C. & H. R. R. R. at Broadway, Van Cortlandt. This crossing was formerly at grade.



Village of Homer, Cortland County — View looking south of new overgrade crossing of Hooker Avenue and the D. & W. R. R. The old grade crossing is shown in the foreground.

SECRET



Town of Deer Park, Orange County — View showing new subway at Caskeys crossing of the Erie R. R. This crossing was formerly at grade.

SECRET



Town of New Windsor, Orange County — View of new overgrade crossing of the Newburgh & Campbell Hall road, and of the N. Y., O. & W. R. R. at Rock Tavern. This crossing was formerly at grade at another location.

ALBERT EINSTEIN



Town of West Bloomfield, Ontario County — View of new undergrade crossing of the Ionla and East Bloomfield road and N. W. C. & H. R. R. R. This was formerly a crossing at grade.



Town of Wallkill, Orange County — View of new overgrade crossing of the N. Y., O. & W. R. R. at Stony Ford. By planing of this structure two crossings at grade were abolished.

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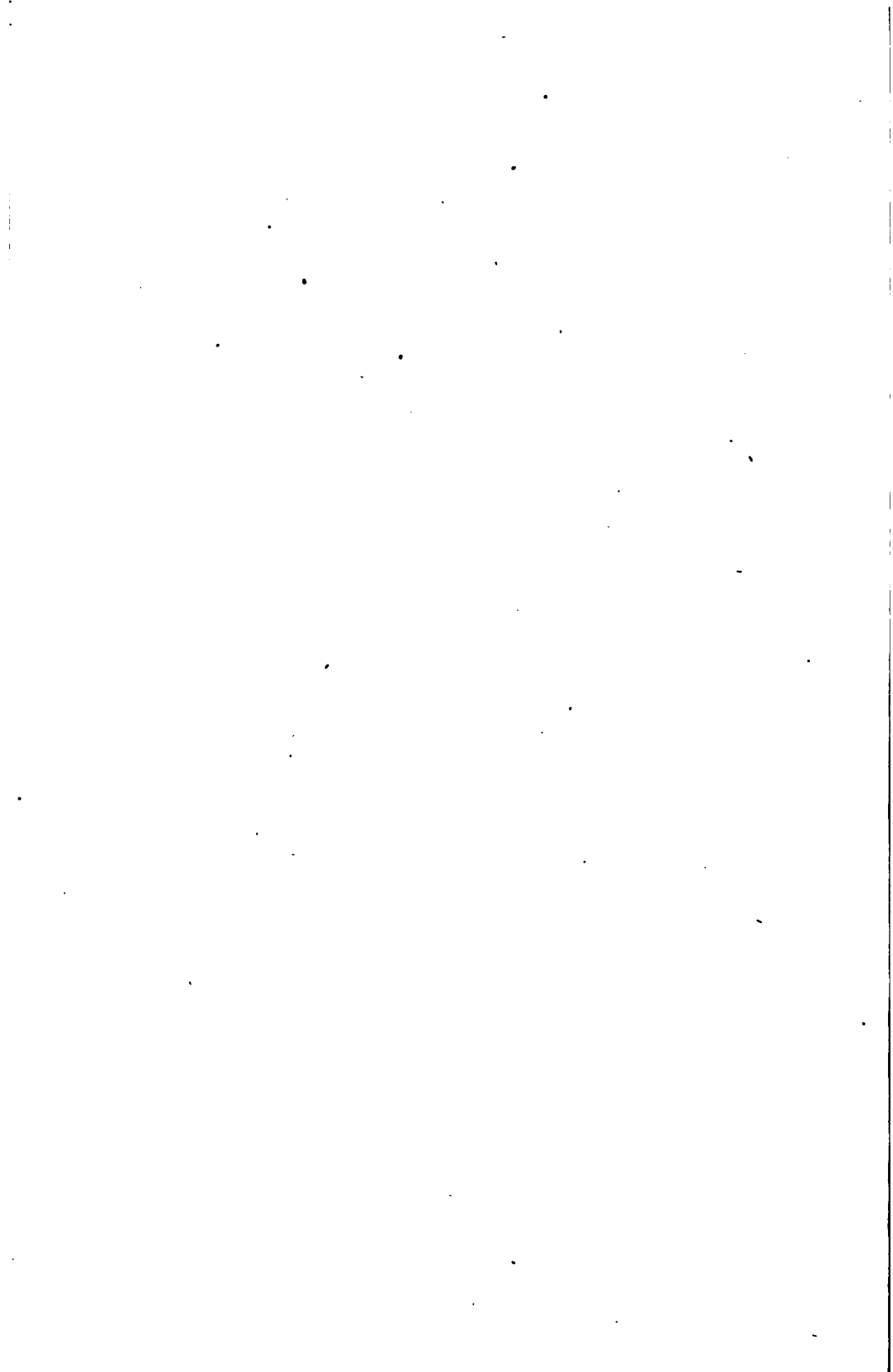
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DECISIONS AND RECOMMENDATIONS.

Complaints of Cities, Towns, Associations, Individuals, Etc.

I.

IN THE MATTER OF THE COMPLAINTS OF WILLIAM M. MACMAHON OF BROOKLYN,
NEW UTRECHT AVENUE PROPERTY OWNERS' ASSOCIATION OF BROOKLYN,
AND THE BOROUGH PARK AND BLYTHEBOURNE PROTECTIVE ASSOCIATION OF
BROOKLYN AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY,

Determination. July 6, 1905.

These complaints were filed with this Board in April and May, 1905. They allege that the practice of the Brooklyn Heights Railroad Company in running express trains to Coney Island through New Utrecht avenue, is dangerous to persons on the avenue because of excessive speed at which the trains are operated and they ask that the company stop these express trains at its Fifty-eighth street and New Utrecht avenue station, arguing that if this is done the trains will not be run at such high rates of speed through the avenue. The electrical expert of this Board made an investigation and report in the matter, the report containing recommendations which were made the recommendations of this Board, a copy of the report and a letter of recommendation being sent to the company, and the complainants were notified of this action. These recommendations were as follows:

"1. That orders be issued, and strictly enforced, that the rate of speed of trains on New Utrecht avenue between Fifty-fourth and Sixty-second streets, in either direction, shall not exceed twelve miles per hour; that signs be placed at each of these points notifying motormen to reduce speed to that limit.

2. That, in addition to the flagmen at present employed, flagmen be stationed at Fifty-fifth street and Fifty-seventh street; also, that the flagman now stationed at Fifty-eighth street station be located at Fifty-eighth street crossing."

The company thereafter informed this Board that the recommendations had been complied with. The complainants alleged that the recommendations had not been complied with, and this Board gave a public hearing in the matter at the New York office of the Board on June 21, at which Lewis J. Doolittle appeared for complainants; Dow S. Smith, superintendent, appeared for the company. The complainants reiterated their contention that the express trains should stop at Fifty-eighth street. After hearing evidence and arguments the hearing was closed.

After consideration of the evidence the Board believes that the complainants are justified and that the remedy suggested, that of stopping all trains at Fifty-eighth street, is the right one. The built-up business section of this avenue extends from about Fifty-fourth street to about Sixty-second street, and the operation of these express trains in this section without stopping is dangerous to those using the highway. The Board at first believed that compliance with the recommendations quoted above would very materially diminish the danger, but the evidence at the hearing was convincing that the proper remedy is the stopping of the express as well as the local trains at Fifty-eighth street, as was the case until this year.

This Board, therefore, hereby recommends to the Brooklyn Heights Railroad Company that all of its passenger trains operating in both directions

through New Utrecht avenue, Brooklyn, stop at the Fifty-eighth street station of said company's railroad. This recommendation is in addition to the recommendations heretofore made as shown above.

The company applied for re-hearing in the matter of the recommendation as to its express trains stopping at the Fifty-eighth street station, which hearing was given in New York city on Friday, July 28, 1905. Thereafter, the Board again considered the subject of stopping express trains at this station and having in mind the interest of the whole public using the line, it determined not to proceed through the Attorney-General to enforce the recommendation as to all trains stopping at the Forty-eighth street station. Various reports were made by inspectors of the Board as to the speed of trains through New Utrecht avenue. After the summer season the express trains were withdrawn and the flagmen as recommended by this Board were withdrawn. Thereupon complaint was made to the Board as to withdrawal of the flagmen, and the Board on December 16, 1905, recommended to the company that a flagman be stationed between Fifty-fourth and Fifty-fifth streets, and that a flagman be stationed between Fifty-seventh and Fifty-eighth streets on New Utrecht avenue, which recommendation, after correspondence, the company informed the Board, had been complied with, a copy of the company's letter being sent to Mr. Norton, one of the complainants. The case was closed. Further complaint in this matter was received during the summer of 1906, a statement as to which will be found under this title in this volume, in the complaint of J. Wadsworth Norton. (Case No. 3338.)

II.

E. A. TREDWELL AGAINST THE LONG ISLAND RAILROAD COMPANY AS TO ALLEGED OVERCHARGE IN PAYMENT OF PASSENGER FARE.

December 13, 1905.

This complaint of E. A. Tredwell of New York city against the Long Island Railroad Company, was filed with this Board on October 25, 1905. It alleged an overcharge of forty-two cents in payment of passenger fare for three persons on the Long Island Railroad from East New York to Jamaica. A copy of the complaint was sent to the company. The company answered that the rate charged was the regular fare on the train in question when tickets were not purchased; that at the point in question in East New York the regular station was not completed, but that tickets were sold from a small building which bore no indication of its being a ticket office, and that inasmuch as there was no sign on this small building indicating that tickets were sold there it would refund the forty-two cents paid by complainant. A copy of this answer of the company was sent to complainant, who replied disclaiming intention in the complaint to compel the return of the forty-two cents and stating that the complaint was in the public interest. After further correspondence with the company and complainant the case was closed. See matter of the complaints of Vail and Allen against this company on this subject under this title in this volume. (Case No. 3442.)

III.

IN THE MATTER OF THE COMPLAINT OF EDWARD LIVINGSTON OF HIGHLAND STATION, PUTNAM COUNTY, AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, AS TO OVERCHARGE ON SHIPMENT OF FREIGHT.

December 13, 1905.

This complaint, by Edward Livingston of Highland Station, Putnam county, against the New York Central and Hudson River Railroad Company, was filed with this Board on October 25, 1905. It alleged that the company had over-

charged complainant \$4.69 on a shipment of lumber from New York city to Highland Station. A copy of the complaint was sent to the company, which answered to the effect that a mistake had been made and that a refund would be made to complainant. A copy of this answer was sent to complainant, who replied that the investigation of this complaint had resulted "in my receiving a check to-day in settlement of the overcharge." The case was closed. (Case No. 3445.)

IV.

IN THE MATTER OF THE COMPLAINT OF F. W. PARKS AGAINST THE DELAWARE AND HUDSON COMPANY AND THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, AS TO NON-CONNECTION OF PASSENGER TRAINS OF SAID COMPANIES AT SIDNEY.

December 13, 1905.

This complaint, by F. W. Parks, against The Delaware and Hudson Company and the New York, Ontario and Western Railway Company, was filed with this Board on November 1, 1905. It alleged non-connection between passenger train No. 1 of the New York, Ontario and Western Railway Company and passenger train No. 4 of The Delaware and Hudson Company at Sidney, No. 1 being scheduled to arrive at Sidney at 3:32 p. m. and No. 4 being scheduled to leave Sidney at 3:30 p. m., both of these trains using the same station at Sidney. Correspondence with the companies resulted in these trains connecting. The case was closed. (Case No. 3446.)

V.

HERBERT M. CASWELL AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, WEST SHORE RAILROAD, LESSOR.

December 13, 1905.

This complaint, by Herbert M. Caswell, against the New York Central and Hudson River Railroad Company, lessee of the West Shore Railroad, was filed with this Board on November 9, 1905. It alleged that the cars of passenger train No. 18, leaving Albany at 5:30 p. m., were not heated in the winter time before starting. A copy of the complaint was sent to the company, which answered "that instructions have been issued directing that this train be heated in Kenwood yard before it is brought to the passenger station, and trust there will be no further cause of complaint." The case was closed. (Case No. 3451.)

VI.

H. J. WELCHER AGAINST THE NEWARK AND MARION RAILWAY COMPANY, AS TO OPERATION BY LOCOMOTIVE STEAM POWER.

January 3, 1906.

This complaint, by H. J. Welcher, of Newark, was filed with this Board on November 6, 1905. It complained that the Newark and Marion Railway, a street surface railway, was operated by locomotive steam power. A copy of the complaint was sent to the company, which answered stating that the railway was under construction and that the locomotive in question was used by the construction company; that "a great many of the farmers and

people on the line, however, have a large amount of produce which they desire the railway company to move, and have requested them to move the same by steam during this fall and winter." A copy of this answer was sent to complainant, who replied. A report in the matter was made by an inspector of the Board. Subsequently the complainant withdrew his complaint. The case was closed. See matter of complaint of John S. Rich under this title in this volume. (Case No. 3447.)

VII.

IN THE MATTER OF VERBAL COMPLAINTS AS TO MEANS OF COMMUNICATION BY SPEAKING TUBE OR GONG BETWEEN ENGINEER AND FIREMAN, AND MEANS OF SETTING THE AIR BRAKES WITHIN REACH OF THE FIREMEN, ON MOTHER HUBBARD ENGINES.

January 10, 1906.

Because of verbal complaints to members of this Board, the Board recommended to the Erie Railroad Company, The Delaware, Lackawanna and Western Railroad Company, the Lehigh Valley Railroad Company, the New York, Ontario and Western Railway Company, the Long Island Railroad Company, the Lehigh and New England Railroad Company and The Delaware and Hudson Company that means of communication by speaking tube or gong between the engineer and fireman, and means of setting the air brakes within reach of the fireman, be provided on Mother Hubbard engines. After correspondence with said companies these recommendations were complied with, and the case was closed. (Case No. 2863.)

VIII.

MARY R. CAMPBELL, SECRETARY OF THE WOMEN'S MUNICIPAL LEAGUE, BOROUGH OF THE BRONX, NEW YORK CITY, AGAINST THE NEW YORK CITY RAILWAY COMPANY, AS TO NEED OF A SHELTER STATION FOR WAITING PASSENGERS AT TWO HUNDRED AND TWENTY-FIRST STREET AND BROADWAY.

January 10, 1906.

This complaint, by Mary R. Campbell, secretary of the Women's Municipal League, Borough of the Bronx, New York city, against the New York City Railway Company, was filed with this Board on September 29, 1905. It alleged that there should be a shelter station for waiting passengers on the New York City Railway at Two Hundred and Twenty-first street and Broadway. A report in the matter was made by an inspector of the Board and this Board recommended to the company that a temporary shelter station be provided for waiting passengers at the point in question pending the construction of the company's railroad extending across the ship canal bridge at this point. This recommendation was complied with and the shelter provided. This case was closed. (Case No. 3426.)

IX.

J. K. HOTALING, OF JAMESVILLE, ONONDAGA COUNTY, AGAINST THE SYRACUSE AND SUBURBAN RAILROAD COMPANY.

January 10, 1906.

This complaint, by J. K. Hotaling, of Jamesville, Onondaga county, against the Syracuse and Suburban Railroad Company, was filed with this Board on October 7, 1905. It referred to conditions in the operation of the Orville branch of the Syracuse and Suburban Railroad. A copy of the complaint

was sent to the company, which answered that "the cars used are nearly new, 'up to date' and ample for traffic, and are in first-class condition. The line is three and one-half miles long, the track is in the best condition and ballasted throughout with rock. No car has been off track since opening of line. The round trip is made in thirty minutes. Our employees have ten to eleven hours on this run. They also operate county car twice daily to penitentiary. This from choice. I have no reason to believe that orders to stop or slow up on curves are disregarded." A copy of this answer was sent to complainant. No reply was received. The case was closed. (Case No. 3430.)

X.

IN THE MATTER OF THE COMPLAINT OF OGILVY ROBERTSON, OF BROOKLYN, AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY, IN RELATION TO RATE OF SPEED OF FREIGHT CARS ON THIRTY-NINTH STREET.

January 23, 1906.

This complaint, by Ogilvy Robertson, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board November 9, 1905. It alleged that the company was operating freight cars on Thirty-ninth street, Brooklyn, at too great a rate of speed, and that this operation resulted in the creation of great dust. A copy of the complaint was sent to the company, which answered that the street at the point in question was being repaved, which was the occasion for the dust, and that the complaint as to excessive rate of speed of the freight cars would be looked into and obviated. A report in the matter was made by an inspector of the Board. The Board recommended to the company that the rate of speed of the freight cars on Thirty-ninth street, between Ninth and Third avenues, should not exceed fifteen miles an hour. The company informed the Board that the recommendation "is being complied with." The case was closed. (Case No. 3450.)

XI.

IN THE MATTER OF THE COMPLAINT OF THE CHENANGO VALLEY DAIRY COMPANY, OF GREENE, CHENANGO COUNTY, AGAINST THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY AS TO FACILITIES FURNISHED COMPLAINANT FOR SHIPPING MILK AND ITS PRODUCTS.

January 23, 1906.

This complaint of the Chenango Valley Dairy Company, of Greene, Chenango county, was filed with this Board on May 3, 1904. It alleged that the complainants "are engaged in handling and shipping milk and its products; that their plant is situated adjacent to and adjoining a switch of the Delaware, Lackawanna and Western Railroad Company; on the same switch a few rods distant is another milk station from which milk is taken and cans are returned. The railroad company have refused to afford the Chenango Valley Dairy Company the same facilities as are enjoyed by and furnished to the Empire State Dairy Company, but have obliged the Chenango Valley Dairy Company to cart their milk some distance to the station and recently to a platform in an inconvenient location and then get our empty cans from the depot. We respectfully ask that the Delaware, Lackawanna and Western Railroad Company be obliged to receive our milk and cream and return our empty cans from a platform opposite our creamery." A copy of the complaint was sent to the company, which answered: "The switch they wish

us to connect their creamy with supplies several industries, besides being used as our team track for general deliveries, and there are always between five and eight cars standing on it between the Empire Company's creamery and the Chenango Company's creamery. If we are to be compelled to take delivery from the Chenango people at their creamery, and return their cans there, it will be necessary, on the arrival of our milk train, to drill this entire track free of cars in order to get to their creamery platform, and after loading their milk we will then be obliged to restore all the cars so drilled to the various points where they were being loaded or unloaded. This at the lowest estimate will take fifteen minutes, probably more, and the same proceeding will have to be followed on the return trip of the train. In this connection I have made no mention of the inconvenience necessarily resulting to all others who have occasion to use this switch. We are able to take the Empire Company's milk without disturbing any of these cars because their creamery is at the extreme southerly end of the switch, and it is at this point that we have also constructed the Chenango Company's platform. The peculiar conditions of the milk business make it necessary to cut the running time of our trains as short as possible, and should we take delivery of the Chenango Company's cream as requested, the delay would seriously handicap the efficiency of our service and a few more similar stops disrupt it entirely. It would moreover inconvenience every shipper of milk on the line, for the additional delay caused here would have to be made up somewhere, and as our running time cannot further be reduced, the only possible way to make up the time would be by an earlier start, and our every endeavor has been to have our milk trains leave up State at the last possible moment consistent with their arrival in New York city in time for the market. In addition to the traffic features, you will note from the sketch that the Chenango Company's creamery is located across a roadway from our switch, and if a platform is to be built from their creamery the road will necessarily be blocked."

After consideration of the matter the case was closed. (Case No. 3143.)

XII.

IN THE MATTER OF COMPLAINT OF CHARLES H. GRAHAM, OF BROOKLYN, AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY.

January 23, 1906.

This complaint, by Charles H. Graham, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on January 16, 1906. It alleged that the company was erecting poles for electric trolley wires at the foot of Montague street, Brooklyn. This line of the company is operated by cable and no application had been made to this Board for consent to change to the trolley system. An inspector of this Board reported in the matter that the statements in the complaint were not correct; that "no new poles have been set or old ones replaced of any kind or description on Montague street from the Wall Street Ferry to Court street, in a long time." The case was closed. (Case No. 3484.)

XIII.

IN THE MATTER OF THE COMPLAINT OF E. A. BEDELL AND OTHERS AGAINST THE ALBANY AND HUDSON RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC.

Determination. January 23, 1906.

This complaint by E. A. Bedell of Kinderhook and Albany, was filed with this Board on August 14, 1905. It alleged that during the summer months

the cars of the company were dangerously overcrowded, especially on Saturdays, Sundays, holidays and picnic days, and asked this Board to take action to relieve the situation. At the hearings complaints were also made as to the overcrowding of cars at other periods than the summer season. A copy of the complaint was sent to the company which answered. Other similar complaints were received from residents along the line. Public hearings in the matter were given at the office of the Board in Albany on November 9 and December 12, at which E. A. Bedell and Samuel B. Coffin appeared for complainants; R. J. LeBoeuf, attorney, and George G. Blakeslee, second vice-president, appeared for the company. A large amount of testimony was taken and the Board became thoroughly familiar with the conditions in the operation of this railroad.

The Albany and Hudson Railroad is a single track, high speed, third rail electric road, 36.1 miles long, between Rensselaer and Hudson. Its cars are run on the tracks of the Cohoes Railway and the United Traction Company over the Greenbush bridge to the corner of State street and Broadway, Albany, making the distance between termini 37.2 miles. Although operated all the year for local and through business, it is to a great extent a so-called summer road, since a large percentage of its business consists in carrying passengers to and from Electric Park, a resort about midway between the termini, and of other travel to and from most of the villages on the line, all of which are patronized more or less as summer resorts. For this reason it is evident that the conditions, so far as travel is concerned, are vastly different at the present time than during the period when this summer traffic is active.

For the purpose of handling its traffic during summer, the Albany and Hudson Railroad runs seventeen through trains each way per day on week days, and sixteen each way per day on Sundays. There are, in addition, eight trains besides these, on week days, running from Albany to Electric Park or beyond, and eleven on Sundays, making twenty-five trains on each week day and twenty-seven trains on Sundays, southbound. The winter schedule is nearly the same as the summer schedule, except that the Electric Park trains are taken off, but every day except Saturdays four through trains each way are annulled by special order, so that in reality during the winter, fourteen through trains are run each way per day, the number on Saturdays being fifteen. These trains leave Albany hourly from 6 a. m. to 10 a. m., bi-hourly 10 a. m. to 2 p. m., and hourly 2 p. m. to 7 p. m., on Saturdays a train leaves at 8 p. m., on Sundays at 10 p. m., but on week days the trains running after 7 p. m. leave at 9 and 11:30 p. m. The north-bound schedule provides for the same number of trains.

This railroad is unfortunately situated at the Albany terminus, and it may be said that by far the greatest number of delays which occur are caused by conditions at this end; further, when the road is carrying the greatest number of passengers the sources of unavoidable delay act most frequently. Delays are caused most frequently by:

1. In the summer the opening of the draw of the Greenbush bridge.
2. The blocking of the D. & H. crossing at Albany.
3. The congested condition and insufficient width of Broadway in Albany.
4. Use of single track of the Cohoes Railway from the transfer station to Akin avenue, Rensselaer.
5. The sharp approach to the Greenbush bridge on the Albany end.
6. Breakdown of the source of power.
7. Breakdown of the equipment.
8. Trouble with the telegraph or telephone wires.
9. Sleet or snow.

The summer schedule, and the delays to which cars are subjected in that season, could be remedied by having one extra car at the Albany terminus to start out on the time of a belated train requiring this belated train then to become an extra to take the run of the next belated train. Such a scheme would tend to a more proper distribution of passengers, a less disturbance of the schedule, and thus eliminate the delays to the extent to which it is possible to do so. But the company states that except on Sundays or holidays

it is not permitted to store any extra car at its Albany terminus. It is naturally inevitable that a car will occasionally be overcrowded; this occurs on every railroad and a railroad company cannot reasonably be censured for it. A train, for instance, may have carried for a considerable time but an average load, but an occasional day will arrive when the number of passengers to be carried on this train is so great that an overload results. With a car barn at the terminus, and an available supply of cars, such a condition can be quickly remedied by putting on an extra; but the Albany and Hudson Railroad car barn is in Rensselaer and it would take ten minutes, as a minimum, to get a car to the Albany terminus, with the probabilities that it would be nearer thirty. The only remedy for this condition appears to be to run this crowded train in two sections after it reaches Rensselaer, the despatcher at Rensselaer meanwhile having been informed that an extra car is required, so that it may be on hand upon the arrival of regular train. The load may then be properly distributed among the two cars.

At a resort such as Electric Park, one patronized largely by women and children, crowding of cars should be reduced to a minimum. It is also evident that since the number of people in attendance at the park varies greatly from day to day, each day's condition should be separately studied, and a sufficient number of cars supplied to handle the business without overcrowding. This will necessitate the running of extra trains or of sections of scheduled trains, and a sufficient number of cars should be provided at all times to enable this to be done. The total number of cars owned by the company is seventeen, of which fourteen are of sixty capacity and three of forty-six capacity. It is by no means a rare occurrence that in summer all of the cars are in use. It follows that if, for any reason, several cars should become disabled, the company could not transport its passengers without overcrowding; and, further, such a condition of affairs is a temptation to send out cars not in the best condition, which, under more normal circumstances, would not be used. To operate on such a close margin does not seem to be advisable. More cars to provide for the handling of crowds under adverse conditions, should be secured. On account of this shortage of cars the company is now compelled to operate some summer cars, several of the winter cars being in the shop undergoing extensive repairs, and were it not for the mild weather so far experienced during this winter, the discomforts of travel on these cars would be great.

For the reasons given, this Board hereby recommends to the Albany and Hudson Railroad Company as follows:

1. That the company renew its efforts to maintain an extra car at its Albany terminus during the summer, to take the place of a belated car, this extra to leave as nearly as possible on the scheduled leaving time of the belated train, the latter in turn becoming the extra, to perform a similar function when necessity arises.
2. That the train known as No. 7 from Hudson be composed of a sixty capacity car and that this same car be run, at least during the summer, on its return trip, as No. 12.
3. That additional cars be provided to handle the northbound traffic from Electric Park on Sunday evenings during the summer season, and on other evenings when there are unusual crowds.
4. That the company acquire at least five new cars, so as not to be compelled to rely upon all of its rolling stock, whether fit or unfit for service, without any reserve.
5. That during the summer the road be divided into two divisions for purposes of despatching trains, one division terminating and the other beginning at Electric Park.
6. That during the time the summer schedule is in force, train No. 29 from Hudson be run in two sections every Saturday evening and on all other evenings when occasion demands.
7. That from the first of May to the first of November, train No. 25, leaving Hudson at 5 p. m., be run in two sections at least as far as Kinderhook.

8. That whenever a southbound car leaves Albany with an overload, the despatcher at Rensselaer be notified so that he can immediately make arrangements to order another car from the barn, which car is to be run as a part of the regular train as far as the requirements of the traffic show it to be necessary; in other words, as a double-header. The extra car can then be dropped at an order station when the necessity for its presence disappears, and the crew receives orders to either couple onto a returning train or run as a section of that train to Rensselaer, or, in the latter case, if necessary, to Albany.

These recommendations were sent to the company. Under date of February 21, 1906, the company informed the Board that it would comply with the recommendations, except that it would ask a re-consideration of recommendation No. 5, as to the division of the road into two divisions, for the purpose of despatching trains. After consideration the Board suspended this recommendation, in view of the statement in the company's letter that it was to relieve the present despatcher of some of the detail work "so that he can devote his entire attention to operating the trains." Subsequently the company informed the Board that all of the recommendations had been complied with, with exception of the purchase of five new cars (Recommendation No. 4). At the time of writing this report the Board is in correspondence with the company as to the purchase of these new cars. (Case No. 3402.)

XIV.

IN THE MATTER OF THE COMPLAINT OF JAMES W. COLT OF GENESEO AGAINST THE ERIE RAILROAD COMPANY AS TO FAILURE TO FURNISH FREIGHT CARS FOR THE SHIPMENT OF HAY.

January 23, 1906.

This complaint by James W. Colt of Geneseo, against the Erie Railroad Company, was filed with this Board on December 30, 1905. It alleged that the company failed to furnish the complainant at Geneseo with freight cars for the shipment of hay. A copy of the complaint was sent to the company, which answered: "At the time referred to by Mr. Colt there was an embargo on shipments of hay destined to New York points account of accumulation of that product at this terminal. The agent through carelessness interpreted the embargo to apply on the shipments in question. We have instructed our superintendent at Rochester to advise Mr. Colt direct of these circumstances." A copy of this answer was sent to complainant. Nothing further being heard from complainant the case was closed. Case No. 3475.)

XV.

IN THE MATTER OF THE CONDITION OF THE ROADBED OF THE WEST SHORE RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) ALONG THE HUDSON RIVER, BETWEEN STONY POINT AND WEST PARK.

February 13, 1906.

By direction of this Board, two civil engineers employed by it made a report in relation to the roadbed of the West Shore Railroad along the Hudson river, between Stony Point and West Park as follows: "As directed by you we have examined the West Shore railroad between Stony Point and West Park, these points being the southern and northern limits, respectively, where the roadbed is laid on or near the shore of the Hudson river. The inspection was begun at Stony Point. Reference will frequently be made

in the following remarks to telegraph pole numbers; the poles are numbered to conform to the mile posts, so that any location referred to by telegraph pole number is at once known as respects its location with reference to mile posts. Between Haverstraw (which is just south of Stony Point) and West Park, there are forty-eight men constantly employed in patrolling track; twenty-seven of these are on duty during the day and twenty-one during the night. These men are equipped with all necessary appliances for stopping trains, and in many of the cabins there are telephones, by means of which word of any danger can be communicated to other portions of the line. Two so-called rock gangs are also constantly employed, there being about ten men in each gang. The duty of these men is to remove loose material from the sides of cuts. At many places (locations hereafter noted) riprap of an excellent quality has been recently laid. The lengths of stretches of new riprap total about 21,000 lin. ft., and the amount of rock used approximates 100,000 cubic yards in volume. The material is being deposited by a contracting firm, under the inspection and direction of the railroad company. In addition to this, the company itself is using the rock excavated by it, along its line, for riprap purposes. The alignment of the track is good. Rock ballast to an average depth of six inches has been placed under the ties from Weehawken to a point north of Kingston. It requires from 3,000 to 3,500 yards of material to ballast to this depth, so that the total amount of rock ballast deposited is in the neighborhood of 300,000 yards. The entire stretch therefore, between the limits of the inspection, is rock ballasted. At points where the roadbed crosses bays or coves, and at others where it is supported by embankments adjoining the river, alignment and surface of track, depths of water at various distances from shore and character of protection of the bank were carefully examined. It is evident that an unstable bank will transmit the result of any movement to the supported track, so that line and surface of the latter must necessarily be affected if there be any movement of the former; no evidences of unstable embankments could by these evidences be detected. At many places, in the original construction of the road, slope walls composed of small stones and laid with a slight batter were built to hold the banks. These walls have been weakened in places by the action of water and ice, and should be re-enforced by means of riprap. At several of these points, particularly where the direction of the current is toward the bank, and the wash hence correspondingly great, a delay in the proper re-enforcement may result in a sufficient weakening of the track foundation to endanger the whole structure. These particular points will be referred to below. On November 4, near Cedar Cliff, a portion of the track several hundred feet long slipped toward the river. Train No. 19 was passing at the time and the tender and several express cars were derailed; no one was injured, and no rolling stock was lost. The track at this point formerly rested on timber stringers between framed bents, which, in turn, were supported by piles. Rather than renew the timber in the structure, it was decided to make a permanent way, and in order to accomplish that object the following method was pursued: At a sufficient distance from the track a wall with its top extending above the high tide level and composed of heavy stones was built in the river; when this was completed the trestle was filled, the material sloping out to the wall. Upon this filling, riprap composed of heavy stones, was then deposited. The riprap had nearly all been deposited when the accident occurred. The cause of the slip was due entirely to the subsoil, which consists of soft mud; this mud was displaced when the weight of the filling and riprap was placed upon it, causing it to flow out toward the river. Irregularities in the track had previously indicated to the railroad officials that possibly the roadbed might not be safe, so that a slow order was issued and a strict watch kept. One of the watchmen had passed this point within one-half hour before the arrival of train No. 19, and discovered nothing which justified him in holding the train. The railroad company is now renewing the timber structure. Additional work which, in our judgment, should be done, and such work as has been performed by the railroad company, are

indicated in the following: Between mile posts 36 and 36½, new riprap is required at various places. Between mile posts 37 and 38½, new riprap is required at various places. At mile 40 the location is along the base of a high and steep mountain side covered with loose rock. The company has removed some of these rocks and some are being held in place by dry walls built under them. One of the rock gangs was recently engaged a month or more examining and removing dangerous rocks. Three men are employed in patrolling the track in this vicinity. At about mile 40½, there is a rock cut about 350 feet long, on which there is considerable loose rock. At some places the top of the rock bank overhangs its base. A watchman is detailed to look after this cut. Between mile 43 and 43½ and between mile 43¾ and 44¾, new riprap at various places is necessary. At Ft. Montgomery a tunnel about 800 feet long has been built within a few years, and the alignment changed and greatly improved. This change enabled the company to dispense with the use of a 290-foot span bridge over a cove and to eliminate a considerable number of degrees of curvature. Just south of mile 44¾, 500 lineal feet of new rip rap have been placed. Between mile 46 and 46½ some new riprap should be deposited in spots. There is a large rock on the slope, about opposite telegraph pole No. 4917; it should be removed. Between telegraph poles Nos. 4922 and 4925 the river retaining wall is not in good condition and should be protected by riprap. The water is about 8 feet deep at the front of the wall, and 20 feet deep 50 feet from the wall. Some additional riprap should be deposited between telegraph poles 4932 and 4934. The water is 12 feet deep at the wall, and at distances of 25 and 65 feet it is 30 and 40 feet deep, respectively. Loose rocks should be removed from slope between telegraph poles Nos. 4936 and 4940, and a retaining wall built to prevent dirt and loose rocks from falling down on the track. The same object may be accomplished by re-dressing the slope to a proper angle. There is a watchman located at this point. At telegraph poles 5005 and 5007 loose ledges on the slopes need attention. Between telegraph poles 5007 and 5013 additional riprap is required. The water is 7 feet deep 50 feet from the wall, while at the wall it is very shallow. Between telegraph poles 5012 and 5015 there is a high slope and the material consists largely of boulders. A dry wall about 50 feet above the track has been built on the slope for the purpose of retaining any loose material falling from above, behind it. The wall seems to be accomplishing its object. Watchmen are located at this point. Between telegraph poles 5023 and 5026 riprap is needed. There is from 6 to 10 feet of water along the foot of the wall; it continues out shallow. Between telegraph poles 5026 and 5105 the present wall is too light, and failing at several points; the embankment needs riprapping. Much of this distance is over a cove. The wall was built of small stones and has various rates of batter. The river bottom along this stretch is from 5 to 10 feet below the water surface and continues out at about the same depth. At the southerly end of Storm King mountain, between telegraph poles 5105 and 5109, large masses of rock have come down and more are likely to fall. The face of the cliff, about 500 feet in height, is nearly perpendicular and practically inaccessible. The railroad skirts the base of the cliff on a sharp curve. Huge rocks project from the face of the cliff, some, and in fact most of them, hundreds of feet above the track. These rocks and most of the cliff are much shattered; in one place a great mass has at some recent date started to slip, large crevices have opened, and the underlying rocks are partially crushed. All trains run slowly around Storm King and watchmen are constantly on duty there. It will be very difficult and expensive to remove the impending and shattered rock and provide slopes that will insure safety; and, in addition, while the work is being done it will render the operation of the road at this place difficult and dangerous and will doubtless result in the frequent destruction of the tracks and stoppage of all operation for periods of from a few minutes to a day or more. An alternative plan suggests itself to us: It is, to construct a tunnel through Storm King, to commence at a convenient point south of Cornwall and come out at a point south of the mountain where the formation of the

rock will best admit of its being done. The suggested tunnel would be from 1,500 to 3,000 feet in length, according to its location, the longer distance being intended to cover a route that will remove the railroad entirely from the river front around Storm King mountain, where it now runs, for most of the distance, along high bluffs at the side of deep water with slope either high up the mountain side or on the sloping bottom of the river; would also greatly reduce curvature and avoid a route where great expenditure of money will be required to make the present one safe. Between telegraph poles 5113 and 5116 the slope wall has failed in places. Riprap is needed. At the foot of the wall the water is about six feet deep, and 50 feet from the wall 25 feet deep. Between telegraph poles 5132 and 5139 there is new riprap. Between miles 54¼ and 55½ the walls retaining the banks are weak and insecure, and should be reenforced. Additional riprap is required between mile posts 63 and 64; the support of the embankment here appears to be weak. New riprap north of mile post 63 has been laid for a considerable distance. In the vicinity of Cedar Cliff station cribs to hold the embankments had originally been built; some of this cribbing seems to be in poor condition. This is just south of the point where the accident referred to above occurred, and this vicinity is, in our judgment, urgently in need of improvement. At all points between miles 65 and 68, except at such points where the railroad is in cuts and where new riprap has been laid, the bank support should be reenforced. Between telegraph posts 6612 and 6632, 6704 and 6712, 6721 and 6733, 6808 and 6809, 6812 and 6828, new riprap has been deposited and the banks are secure. At the pin factory cut a rock gang is now clearing loose material from the slopes. The entire mile between mile posts 69 and 70 is newly riprapped; the work is of excellent quality. From telegraph poles 7026 to 7028 and from 7030 to mile post 71 there is new riprap. Except at such places where riprap has been placed, the embankment support between mile posts 70 and 72 appears to be weak, especially between mile posts 70 and 71. Riprap should be carried through to mile post 72. At mile post 73 there is a cut through material containing loose rock. The slope is now well dressed, but it needs constant watching, especially during rainy and thawing weather. A watchman is on duty at the cut. Between mile post 73 and telegraph pole 7312 additional riprap is needed at certain points; this applies also to that portion of the road between telegraph pole 7330 and mile post 74. In the vicinity of telegraph post 7510 the bank seems to be slightly undermined, and should be protected."

The company informed the Board that, "referring to my letter to you under date of January 19th, stating that we had placed contract for 350,000 cu. yds. of stone as a continuation of the general improvement of the roadbed adjacent to the Hudson River on the West Shore:

"In connection with the other details mentioned in the report, as information, I beg to advise you as follows:

M. P.

- | | |
|-------|---|
| 39.33 | We have authorized here a concrete retaining wall to underpin |
| 40.00 | the overhanging rock. |
| 40½ | Some additional trimming will be done here, which will render |
| | the situation satisfactory. |
| 49.17 | The large rock mentioned about 10 feet west of the track has been |
| | carefully examined and appears to be perfectly secure. However, |
| | in view of the situation, we have arranged for the removal of |
| | the same. |
| 49.36 | The loose rocks in the slope are being removed, and a retaining |
| 49.40 | wall will be built to protect the slope. |
| 50.05 | This point has not given us any trouble heretofore, but it is |
| 50.07 | systematically inspected by our Rock Foremen. |
| 50.12 | The dry retaining wall at this point will be improved. |

"The cribbing referred to at Cedarcreek Station: What appeared as cribbing at this point is the remains of an old pile trestle that formerly carried the roadbed, but which was abandoned some years since when the roadbed was moved in on solid ground.

M. P.

69:00 The clearing of the slopes at this point has been completed.

"This, with the riprapping, I believe covers all matters mentioned in your Inspectors' report, with the exception of Storm King Mountain.

"A tunnel at that point would be a very expensive undertaking, and on account of the great height of the cliff above the portals and the character and formation of the stone at these points, there appears to be as yet some doubt as to whether the tunnel would give us the amount of protection which will be desirable for such a large undertaking, and for the present we think it wise to adopt an alternate suggestion of trimming loose stones and instituting a very careful system of watching and signaling." (Case No. 3452.)

XVI.

IN THE MATTER OF THE COMPLAINT OF JOHN S. WISE OF NEW YORK CITY
AGAINST THE AMERICAN EXPRESS COMPANY AS TO CHARGE ON SHIPMENT
FROM NEW YORK CITY TO WATERTOWN, N. Y.

February 13, 1906.

This complaint by John S. Wise of New York city against the American Express Company was filed with this Board on January 30, 1906. It alleged that a charge, viz., \$3.75, made by said company to complainant on a shipment of one barrel of oysters from New York city to Watertown was excessive and that the company would not give redress. A copy of the complaint was sent to the company, which answered that the charge made was erroneous, that it should have been but \$2.50 and that a refund of the difference would be made to complainant. A copy of this answer was sent to the complainant, and the case was closed. (Case No. 3498.)

XVII.

IN THE MATTER OF THE COMPLAINT OF TOWNSEND L. BISHOP OF PORTLANDVILLE, OTSEGO COUNTY, AGAINST THE DELAWARE AND HUDSON COMPANY AS TO CHARGES MADE ON A SHIPMENT FROM MT. CLAIR HEIGHTS, N. J., TO PORTLANDVILLE.

February 13, 1906.

This complaint by Townsend L. Bishop of Portlandville, Otsego county, against The Delaware and Hudson Company was filed with this Board on January 22, 1906. It alleged that said company had charged complainant \$.25 on a small shipment by the Erie and Delaware and Hudson Companies' railroads from Mt. Clair Heights, N. J., to Portlandville, notwithstanding that the charges were alleged by complainant to have been prepaid. A copy of the complaint was sent to The Delaware and Hudson Company which answered that there was no through rate in force beyond Oneonta and that from Oneonta to destination it had collected its regular minimum charge of \$.25. A copy of this answer was sent to complainant, who did not reply, and the case was closed. (Case No. 3492.)

XVIII.

IN THE MATTER OF THE COMPLAINT OF C. E. BALLIEN AND OTHERS AGAINST THE ERIE RAILROAD COMPANY AS TO POOR SERVICE IN FURNISHING OF FREIGHT CARS FOR THE SHIPMENT OF ONIONS AT FLORIDA STATION.

February 13, 1906.

This complaint by C. E. Ballien of Florida, Orange county, against the Erie Railroad Company was filed with this Board on January 6, 1906. It alleged that the company did not furnish complainants with freight cars in sufficient number for the shipment of onions from Florida station. A copy of the complaint was sent to the company, which answered: "We have investigated the matter and taken such action as is possible to insure a full supply of cars at that point. We have instructed our local people to call on the complainants and apprise them of this fact." A copy of this answer was sent to complainants, who informed the Board that the cause of complaint had been removed. (Case No. 3481.)

XIX.

IN THE MATTER OF THE COMPLAINT OF GOODWIN BROWN, PRESIDENT, YONKERS BOARD OF HEALTH, AGAINST THE INTERBOROUGH RAPID TRANSIT COMPANY (MANHATTAN RAILWAY DIVISION) AS TO THE HEATING OF ELEVATED RAILROAD CARS.

February 13, 1906.

This complaint (through the New York City Department of Health) by Goodwin Brown, President, Yonkers Board of Health, against the Interborough Rapid Transit Company (Manhattan Railway division) was filed with this Board on December 30, 1905. It alleged that cars on the Manhattan elevated railroad, New York city, were not properly heated. A report in the matter was made by an inspector of this Board and a copy of his report with a copy of the complaint were sent to the company with a letter from this Board as to the proper heating of all cars on the elevated railroad. The company answered that: "Upon receipt of your communication regarding the alleged improper heating of the elevated cars, an investigation was immediately started notwithstanding the fact that we have given this subject close attention during the cold and inclement weather. We have assigned a man on the East Side Elevated and another on the West Side Elevated whose duty it is to see that the cars are properly heated at all times and the writer personally uses the cars a great deal and has not found cause to complain unless a car has become temporarily out of order in so far as its heating apparatus is concerned. For your information, would add, that before the cars go into service in the morning the heaters are turned on as they stand in the yard for a period of thirty minutes or more if the weather is real cold. We propose to continue to watch the heating of cars very carefully and endeavor to do everything within our power to make the cars as comfortable as possible for our patrons. I note that your inspector in his report states that it is a difficult matter to keep the Elevated cars at a fixed temperature on account of the continual opening and closing of doors." A copy of this answer was sent to complainant. The case was closed. (Case No. 3483.)

XX.

IN THE MATTER OF THE COMPLAINT OF GEORGE J. BEYER OF BROOKLYN AGAINST
THE BROOKLYN HEIGHTS RAILROAD COMPANY.

February 13, 1906.

This complaint by George J. Beyer of Brooklyn against the Brooklyn Heights Railroad Company was filed with this Board (through the Governor's office) on December 8, 1905. It alleged that the company should employ a switchman at Broadway and Cooper street, Brooklyn; it also complained as to the overcrowding of surface railroad cars of the company; it also alleged that on certain new cars it was impracticable to use the hand brake in case the air brake should fail; it also alleged that the "company should also be obliged to carry a lamp on each end of the car, not connected with the electric light." A copy of the complaint was sent to the company, which answered that: "We have carefully considered the suggestions made by Mr. Beyer but do not deem it advisable to station a switchman at the junction of Broadway and Cooper streets. There will be no appreciable time saved by the use of a switchman at that point, and the present method of operation is regarded as safe or safer than the method suggested by Mr. Beyer. As to the crowding of passengers complained of by Mr. Beyer—I beg to advise you that we are operating, during the rush hours, the maximum number of cars which can be handled, especially on the Williamsburgh Bridge lines. The overcrowding complained of by Mr. Beyer is prevalent practically on all lines reaching New York by the Brooklyn and Williamsburgs bridges, and cannot be overcome until more adequate terminal facilities are provided at both points. The new cars referred to by Mr. Beyer are equipped with both air and hand brakes, and the hand brakes are at all times operative in case of failure of the air brakes. Kerosene lamps are carried on the rear of all cars on Suburban Lines. They are not carried when operating through the city streets, which are well lighted, and, we have had no collisions in the settled portion of the city which could have been avoided by the use of tail lights." A copy of this answer was sent to complainant, who did not reply. A report in the matter was made by an inspector of this Board, the conclusion of which is, "In view of the facts as I found them on investigation of this complaint, I do not think any recommendations are necessary." The case was closed. (Case No. 3466.)

XXI.

IN THE MATTER OF THE COMPLAINT OF HON. A. W. THOMPSON, MAYOR OF
KINGSTON, AGAINST THE KINGSTON CONSOLIDATED RAILROAD COMPANY AS
TO SERVICE RENDERED THE PUBLIC.

Determination. February 20, 1906.

This complaint of Hon. A. W. Thompson, Mayor of Kingston, against the Kingston Consolidated Railroad Company, was filed with this Board on January 16, 1906. It alleged that "The Charter of the Colonial Rail Road Co. (now merged in the Kingston Consolidated Rail Road Co.) of this City requires them to run their cars on a ten minute schedule during the entire year and it has been their custom the past few years to run their cars on this division on a twenty minute schedule during the winter and while the Common Council of the City has tried to make them run on the time called for by their charter they have refused to do so," and asked this Board to recommend that the cars be operated on a ten minute schedule. A copy of the complaint was sent to the company, which answered among other things that, "As regards the requirement in the franchise relating to operating

cars at ten minute intervals from 5.00 a. m. until 12.00 midnight, this has never been complied with by any railroad in the city at any time for the reason that such operation would have been at a great loss." A copy of the answer was sent to the complainant who replied.

A public hearing in the matter was given by this Board in the city of Albany on February 13, 1906, at which the Mayor and Philip Elting, corporation counsel, appeared for the complainant; Charles M. Preston appearing for the company. After hearing evidence and arguments the hearing was closed. It appears that in the ordinance of the city granting the franchise to the Colonial City Electric Railway Company, which is now a part of the Kingston Consolidated Railroad Company as stated, there is a provision that "the said company shall operate its cars from 5 a. m. to 12 o'clock midnight, and shall run the same at intervals of not more than ten minutes each."

It appears to this Board from the evidence at the hearing that it is reasonable and expedient in order to promote the convenience and accommodation of the public that the Kingston Consolidated Railroad Company shall operate its cars on its Colonial City division from 5.00 a. m. to 12 o'clock midnight at intervals of not more than ten minutes each as provided in said ordinance of the city of Kingston and this Board hereby so recommends to the Kingston Consolidated Railroad Company.

Subsequently an inspector of the Board reported that the company was operating cars on its Colonial City division at intervals of twenty minutes each from 6.00 a. m. to 8.00 a. m.; at intervals of ten minutes each from 8.00 a. m. to 9.00 p. m.; at intervals of twenty minutes each from 9.00 p. m. to 12.00 midnight. This being a substantial compliance with the recommendation and no further complaint having been received the Board did not proceed further in the matter. (Case No. 3485.)

XXII.

IN THE MATTER OF A BRIDGE ON THE HUDSON VALLEY RAILWAY OVER THE RAILROAD OPERATED BY THE DELAWARE AND HUDSON COMPANY AT BROADWAY, FORT EDWARD.

March 6, 1906.

On March 4, 1905, a civil engineer employed by this Board examined and reported in relation to a temporary timber bridge over The Delaware and Hudson Company's railroad at Broadway, Fort Edward, erected and used by the Hudson Valley Railway Company (electric). The conclusions in the report are as follows:

1. That under a forty-five ton car the tension rods, ties and lower chord end panel are overstrained, and that the bridge therefore is unsafe for such a loading.
2. That loaded freight cars of a weight not to exceed twenty-seven tons and passenger cars not to exceed twenty-seven tons be permitted to cross at a speed not to exceed five miles per hour.
3. That any electric locomotive giving greater stresses in the members of the trusses than a twenty-seven ton car, as assumed in the calculations, be not permitted to cross.
4. That the bridge be rebuilt as speedily as possible, since, owing to poor design and workmanship, the structure ought not to be subjected to stresses which might be considered safe ones if design and workmanship were good.

A copy of this report was sent to the Hudson Valley Railway Company and it was asked what steps it would take to comply with the conclusions in this report. The company informed the Board in detail that it would strengthen this bridge. (Case No. 3321.)

XXIII.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF NUNDA, CANASERGA AND VICINITY AGAINST THE PENNSYLVANIA RAILROAD COMPANY AS TO DISCONTINUANCE OF TRAIN SERVICE ON ITS SWAINS BRANCH.

March 6, 1906.

This complaint by residents of Nunda, Canaseraga and vicinity against the Pennsylvania Railroad Company was filed with this Board on April 27, 1904. It alleged that the Pennsylvania Railroad Company had discontinued the running of trains on the Swains branch from Nunda to Swain, a distance of six miles, to the inconvenience of the public. A copy of the complaint was sent to the company, which answered as follows: "Subsequent to April 15th, 1900, there was a freight interchange between our road and the Pittsburgh, Shawmut & Northern R. R. at Swains, twice each week up to April 8th, 1904, except during short periods when the track was blockaded with snow or washed out by floods. Upon the completion of the connecting line of the P. S. & N. R. R. making a through line for them between Olean and Swains, it was found that the interchange could be made more conveniently and to better advantage at Olean and this interchange was, therefore, discontinued via the Swains Branch on April 8, 1904, and put in effect via Olean. There is no local business on the branch between Nunda Village and Swains and the only traffic which would pass over this line is that of a 'through' nature. As stated above, the freight business which we had been handling for some time up to April 8th, 1904, via Swains, is now interchanged with the P. S. & N. K. R. at Olean, so that there is no diminution of facilities so far as relates to the freight business. It appears that in August, 1891, a through passenger service was inaugurated between Rochester and Hornellsville, via our Swains Branch; this service being continued for about one year and then abandoned, owing to the operating expenses being more than the revenue. Early in 1892, an arrangement was made with the Rochester, Hornellsville & Lackawanna R. R. to operate the Branch, connecting with our passenger trains at Nunda Junction and this was continued until April 15, 1900, when the P. S. & N. R. R. (the successor of the Rochester, Hornellsville & Lackawanna) gave up the operation of the Branch, as it cost them more to operate it than they were receiving in revenue. Subsequent to that date and up to the present time, we have been running our Rochester Division northward passenger train in the forenoon, and southward passenger train in the afternoon from Nunda Junction over the Branch as far as Nunda Village, which has been affording the people of that Village very good passenger service. Our way freight also runs to the Village each day, making connection from both the north and south. Owing to there being no settlement between Nunda Village and Swains and consequently no business in sight, we are clearly of the opinion that the passenger service we are performing on this Branch between Nunda Junction and Nunda Village is sufficient to meet all reasonable demands. A fair trial of the passenger service on this branch has been made twice and was abandoned owing to insufficient revenue. The fact remains that the operation of the branch has never paid, either in the freight or passenger business, and the business would be conducted at a considerable loss if we undertook to do it." A copy of this answer was sent to complainants, and after further correspondence the case was closed. (Case No. 3140.)

XXIV.

IN THE MATTER OF GUARD-RAILS ON TRACKS OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD IN FOURTH AVENUE, NEW YORK CITY, FROM THE NORTH TUNNEL PORTAL TO 138TH STREET.

March 21, 1906.

On a report, dated December 30, 1905, from a civil engineer employed by this Board, the Board recommended to the New York Central and Hudson

River Railroad Company that guard-rails on its tracks be continued across its bridge over the Harlem River and on each side of the bridge to connections with existing guard-rails; also that guard-rails be placed on the two tracks between 106th and 110th streets where they did not then exist, wherever they could be put in without interfering with cross-overs. These recommendations were complied with. (Case No. 3477.)

XXV.

IN THE MATTER OF THE COMPLAINT OF E. V. SKINNER OF YONKERS AGAINST THE YONKERS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC.

March 21, 1906.

This complaint by E. V. Skinner of Yonkers against the Yonkers Railroad Company was filed with this Board on January 19, 1906. It complained of poor service rendered the public by the Yonkers Railroad Company. After investigation of the matter by the Board it was recommended that the Union Railway Company, of the Borough of the Bronx, New York city, and the Yonkers Railroad Company (affiliated companies) procure fifty additional large type cars and put them in operation. In response to this recommendation the company informed the Board that it had entered into a contract for fifty large type cars to be delivered not later than June 15, 1906. The case was closed. (Case No. 3490.)

XXVI.

IN THE MATTER OF THE COMPLAINT OF M. H. SCHICK AGAINST THE STATEN ISLAND MIDLAND RAILROAD COMPANY AND THE RICHMOND LIGHT AND RAILROAD COMPANY AS TO TRANSFERS.

March 21, 1906.

This complaint, by M. H. Schick of New Brighton, S. I., was filed with this Board on December 11, 1905. It is in relation to transfers between cars of the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company, and other matters. After consideration of the matter the case was closed. (Case No. 3501.)

XXVII.

IN THE MATTER OF THE COMPLAINT OF THE WEST END BOARD OF TRADE OF BROOKLYN AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO OPERATION OF CARS ON ITS FIFTH AVENUE SURFACE LINE.

March 21, 1906.

This complaint by the West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company was filed with this Board on February 14, 1906. It alleged that the company did not operate sufficient surface cars on its Fifth avenue line between the 36th street terminal of its Fifth avenue elevated railroad line and 65th street and Fifth avenue, Brooklyn, particularly during the morning hours and on Saturday afternoons. A copy of the complaint was sent to the company, which answered. After further correspondence the matter complained of was remedied. The case was closed. (Case No. 3514.)

XXVIII.

IN THE MATTER OF THE COMPLAINT OF THE WEST END BOARD OF TRADE OF
BROOKLYN AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY.

March 21, 1906.

This complaint by the West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company was filed with this Board on March 8, 1906. It was in relation to the practice of the company in holding surface cars for a short period at the 39th street ferry to meet the boats and in relation to holding local trains at the 38th street elevated railroad station to connect with express trains, Brooklyn. After correspondence with the company the matters complained of were remedied. The case was closed. (Case No. 3529.)

XXIX.

IN THE MATTER OF SERVICE RENDERED THE PUBLIC BY THE BROOKLYN HEIGHTS
RAILROAD COMPANY.

March 22, 1906.

Under date of March 23, 1906, the electrical expert of this Board reported as to compliance by the Brooklyn Heights Railroad Company with recommendations of this Board as to increased service on the street surface and elevated lines of said company as well as in relation to other matters of recommendation and in relation to various changes made in 1905 in the operation of this company's railroads. This report also included additional recommendations, and this Board under dates of March 22 and 27, 1906, recommended to the company increases in the service on its elevated and street surface lines as will appear by the determinations in this matter under the two titles immediately following. We print here the said report of the electrical expert, without the additional recommendations which are embodied in the said determinations following:

Report of Electrical Expert.

February 9th, 1905, the Board of Railroad Commissioners made a number of recommendations to the Brooklyn Heights Railroad Co. to increase the service on a number of lines operated by it, both elevated and surface.

In accordance with instructions received from your, Honorable Board, continuous investigations have been made to determine whether these recommendations have been complied with during the winter seasons of 1905 and 1905-6. As a result, the following is submitted:

In the communication containing the recommendations mentioned the Board, referring to the general traffic conditions in the Borough of Brooklyn, expressed the opinion that permanent relief "can best be obtained through building several tunnels connecting the Boroughs. These should be commenced at the earliest possible moment, and pressed to speedy completion."

No contracts have as yet been executed for any additional tunnels.

The Board further expressed the opinion that "the quickest and best plan of relieving the present congested condition is to connect the Brooklyn and Williamsburgh Bridges by an elevated structure, with ample platforms for the prompt loading and unloading of passengers; the trains to be run continuously in both directions, thereby at least doubling the present capacity of the Bridges to handle trains. From this structure, a connection can be made with the Manhattan Bridge when completed. In this connection, it is proper to say that work on the Manhattan Bridge should be accelerated."

No action has been taken by the local authorities to bring about the construction of an elevated structure connecting the Brooklyn and Williamsburgh Bridges. No work of erecting the Manhattan Bridge has been done.

The Board also stated:

"The Board of Estimate and Apportionment has adopted a plan (suggested by Bridge Commissioner Best and Chief Engineer Nichols) for the reconstruction of the Manhattan terminal of the Brooklyn bridge, which will in part relieve present conditions."

No change in the Manhattan terminal of the Brooklyn bridge which would relieve present conditions has been made.

The Board's recommendation:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that an additional track be constructed on all of the elevated lines" has not been complied with.

The Board recommends as follows:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that the work of lengthening the platforms of the elevated railroad stations (previously recommended by this Board) be continued and carried to completion as speedily as possible."

The above recommendation has been complied with, except at those stations on the Broadway line between the Broadway ferry and East New York, and on the Ridgewood line between Vanderbilt avenue and Knickerbocker avenue.

The Board recommended:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that the enlargement (now under way) of the terminal facilities of the elevated railroad at East New York be completed as soon as practicable."

The above recommendation has been complied with, and the enlargement of this terminal has been practically completed.

The Board's investigation as to the safety of the elevated structures in the borough of Brooklyn was summarized as follows:

"Complaint having been made as to the physical condition of the elevated structures, we caused an examination of them to be made by our experts, who report that the structures are in good physical condition."

Based on recent inspections made, and confirmed by a statement of Boller & Hodge, the mechanical engineers in charge of the structures, it is found that the structures are safe for the train loads at present operated over them. (See communication from Boller & Hodge.)

The Board recommended as follows:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that the work of removing in its cars city ashes be performed at night. We are of the opinion that the cars now in use for this purpose are too heavy, resulting in injury to the track, with consequent discomfort to the passengers. We recommend that lighter cars be provided in the future for this work."

These recommendations have not been complied with. The company are at present operating ash cars during the day time. Lighter cars have not been provided for this work.

The Board recommended:

"This Board again recommends to the Brooklyn Heights Railroad Company that a shelter station for passengers be provided at Sixty-fifth street and Third avenue, and recommends that a shelter station be provided on Gates avenue between Ralph avenue and Broadway."

These recommendations have been complied with; the stations have been erected.

The Board recommended:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that all of its street railroad surface cars be equipped with destination signs, which shall be properly illuminated at night."

This recommendation is being complied with; signs are being changed.

The Board recommended:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that it increase its shop facilities so as to be enabled to constantly keep its rolling stock, both surface and elevated, in proper condition."

This recommendation has been complied with. The company have at present a sufficient number of repair shops, fully equipped with the necessary machinery and tools, and with capacity to keep in proper repair, all of the equipment now operated.

The Board recommended:

"This Board hereby recommends to the Brooklyn Heights Railroad Company (upon obtaining proper authority) to construct double tracks through Saratoga avenue between Douglas street and Broadway, for the purpose of furnishing additional service to the Brownsville district."

On account of legal proceedings instituted, the company have not complied with this recommendation.

The Board recommended:

"This Board hereby recommends to the Brooklyn Heights Railroad Company that on its Crosstown line, its Douglas street line, its Greenpoint line, its Hamburg Avenue line, its Nassau Avenue line, its Ocean Avenue line, its Reid Avenue line, its Seventh Avenue line, its Sumner Avenue line, its Tompkins Avenue line, its Union Avenue line, and on the Williamsburg bridge, the single-truck cars now operated be replaced as soon as practicable by double-truck cars."

This recommendation has in part been complied with; 101 single-truck cars have been replaced by double-truck cars.

The Board suggested:

"It would facilitate the operation of cars on the Williamsburgh bridge if loops and shelter stations should be constructed by the city on the surface at the Manhattan terminus."

This suggestion has not been complied with.

The Board suggested:

"This Board indorses the suggestion of the extension of Flatbush avenue, which will provide an additional artery through the business portion of Brooklyn to the Brooklyn bridge."

This suggestion has not been complied with.

The Board stated:

"The police regulation of the vehicular traffic lately instituted has been of great benefit in expediting the cars in Brooklyn. In our opinion, the force detailed for this purpose should be increased, so that a wider territory can be covered."

The police force detailed for the regulation of vehicular traffic has not been increased, but has been reduced.

The Board made eight recommendations for increasing the service on the elevated lines.

All of these recommendations have been and are at present being complied with, except in some cases, where changes of routes, which have improved the service, have been made.

The Board made nineteen recommendations for the improvement of the service on the surface lines.

All of these recommendations have been complied with, except in cases where changes of routes have been made, which have increased the service.

In addition to compliance with the recommendations which were contained in the Board's communication of February 9, 1905, the company have improved the service by changes in routes and additional cars added, as follows:

Elevated Lines.

West End line.—Trains on this line are now run to Ulmer Park, instead of through to Coney Island, and the rear car of all trains is detached at Fifty-eighth street on the eastbound trip, and run to Coney Island via the Sea Beach line, making a reduction of six minutes in the running time between Coney Island and Fifty-eighth street. The route of the Seventy-fourth street

trains has been extended to Bath Beach, making a combined headway on this line between Bath Beach and the Brooklyn bridge during rush hours of seven and a half minutes. During non-rush hours trains are operated on a combined headway of fifteen minutes, as against twenty minutes last year.

Culver line.—Trains on this line are at present run through solid, except between the hours of 1 a. m. and 5 a. m., when they are coupled to the trains of the Bay Ridge line at Thirty-sixth street, these trains being operated on a fifteen-minute interval, as compared with a twenty-minute interval last year, and extra cars are added at Thirty-sixth street to accommodate local travel on Fifth avenue.

Bay Ridge line.—This line is being operated on a seven and a half-minute interval, as compared with a ten-minute interval last year, and the sixth car has been added to all trains leaving the bridge terminal between 5:20 and 6:20 p. m. The combined operation of Bay Ridge, Culver and West End lines furnishes trains on a headway of three minutes and forty seconds between Thirty-sixth street and the bridge terminal during non-rush hours. Last year these trains were operated on an eight-minute headway between these points.

Brighton Beach line.—During the rush hours, morning and evening, trains on this line are operated on a six-minute headway, compared with a seven-minute headway last year. During the non-rush hours the headway of these trains has been reduced from twenty to fifteen minutes, with midnight trains on a thirty-minute schedule operated through to Park Row, instead of transferring at Franklin avenue, as was done last year. Most all of the equipment on this line has been replaced by new cars, with a twenty per cent. increase in seating capacity.

On account of improvements, the work of which will continue at least one year, the trains on this line are at present being operated over the Long Island Railroad Company's tracks between Sheepshead Bay Junction and Manhattan Beach Junction, a distance of about three and a half miles. Between these two points both railroads are located alongside of and parallel with each other. To properly accommodate the travel between these points, the stations on the Brighton Beach line should be moved to the Long Island right of way, or temporary stations erected at these points.

This method of operation introduces an element of danger, and to reduce this to a minimum the crossovers at either end should be properly protected by signals and derails interlocked with the switches.

Lexington Avenue line.—Trains on this line during the rush hours are operated between the bridge terminal and Gates avenue on a two and a half-minute headway, as against a three-minute headway last year; and on a three-minute headway between Gates avenue and Cypress Hills. The through Cypress Hills trains are expressed between Gates avenue and Grand and Myrtle avenues, eastbound, in the p. m. and westbound in the a. m., making stops at De Kalb and Franklin avenues only. By this operation the running time between Cypress Hills and the bridge terminal has been reduced to five minutes. The sixth car has been added to all express trains during the a. m. and p. m. rush hours.

Ridgewood line.—Trains on this line during the non-rush hours are operated now on a seven and a half-minute headway, as compared with a ten-minute headway last year. The sixth car has been added to all trains on this line during the a. m. and p. m. rush hours.

Fulton Street line.—Trains on this line during the a. m. rush-hours are operated now on a two and two and a half-minute headway between Ralph avenue and the bridge terminal and on a four and five-minute interval between the city line and Ralph avenue. The city line trains are expressed between Ralph avenue and Flatbush avenue, stopping only at Franklin avenue. During the p. m. rush hours trains are operated on a two-minute interval, as against a two and a half-minute last year. The fifth car has been added to all Fulton Ferry trains, and two more trains have been added to this service during the rush hours. Express trains during both the a. m. and p. m. consist of six cars.

Broadway line.—Trains on this line are operated on a headway of from five to seven minutes during the rush hours, and seven and a half minutes during the non-rush hours, as against a ten-minute headway last year:

The above changes have resulted in the following increase in car miles daily:

West End line	249 miles.
Culver line	387 miles.
Bay Ridge line	278 miles.
Brighton Beach	2, 033 miles.
Lexington avenue	518 miles.
Ridgewood line	723 miles.
Fulton Street line	1, 223 miles.
Broadway line	681 miles.
Bridge service	1, 092 miles.
	<hr/>
	7, 184 miles.

Surface Lines.

During the past year, to increase the service, changes in routes have been made on several of the surface lines, as follows:

Broadway line.—This line was formerly operated through to Jamaica. At present it is operated only to Cypress Hills. A new line of cars has been installed between Cypress Hills and Jamaica, and transfers are exchanged with the Broadway surface line and the elevated line at Cypress Hills. By this change a more regular operation is maintained between Cypress Hills and Jamaica. The previous schedule movement was interrupted by delays in the congested section between Cypress Hills and the bridge, the change resulting in passengers coming from Jamaica having the option of continuing from Cypress Hills by the surface or elevated lines.

Tompkins Avenue line. At present one-half of this service is operated to Delancy street via the Williamsburgh bridge, the other half to the Broadway ferries. Formerly all this service was operated to the Broadway ferries.

Sixty-fifth Street—Bay Ridge Avenue line.—At present this line is operated to Bay, Nineteenth street and Bath avenue. It was formerly operated to Fourteenth avenue and Eighty-sixth street.

Union Avenue line.—This line is at present operated through Wyckoff avenue, instead of Knickerbocker avenue, on account of sewer construction. A "buffalo" has been installed on Knickerbocker avenue.

Graham Avenue line.—Through service to Penny Ridge via Meeker avenue has been discontinued and the "buffalo" service installed, adding to the service on Meeker avenue between Graham avenue and Penny Bridge.

Marcy Avenue line.—This line is at present operated via Broadway, Marcy avenue, Fulton street, Nostrand avenue, Bergen street, Vanderbilt avenue, Union street, Court street, Sackett street to Hamilton ferry, returning via Hamilton avenue and Union street to Vanderbilt avenue. This line was formerly operated over the same route to Bergen street, White street, Sackett street to Hamilton ferry, returning via the same route. Since this route was discontinued, a "buffalo" service has been installed on Hoyt and Sackett streets, from Bergen street to Hamilton ferry.

Fifth Avenue line.—At present this line operates through to Fort Hamilton from South and Fulton ferries. Formerly it was operated to Bay Ridge avenue only, and a "buffalo" service was run between Eighty-sixth street and Fort Hamilton. This service was discontinued when the through line was installed.

Sumner Avenue line.—At present all service on this line is operated over the Williamsburgh bridge. It was formerly operated to the Broadway ferries.

Ralph Avenue line.—At present this line is operated between Canarsie depot and Delancy street, over the Williamsburgh bridge, via Rockaway avenue to East New York avenue, St. John's place, Ralph avenue and Broadway. It was formerly operated from St. John's place to Ralph avenue, via Ralph avenue, Broadway and Myrtle avenue to City Hall.

Additional Increases in Service.

In addition to the increase in service made by the changes in routes mentioned above, also in addition to the additional number of cars run as a result of the Board's recommendations, the company during the past year have added to the service as follows:

Bergen Street line.—There are at present 360 trips operated daily on this line, as against 269 last year, an increase of 91 trips.

Broadway line.—On account of the change of route mentioned above, the number of trips operated on this line has been reduced from 381 to 358, a reduction of 23 trips.

Bushwick Avenue line.—The service on this line has been increased forty-six trips.

Calvary Cemetery line.—The service on this line has been increased twenty-three trips, and extended from 12:30 a. m. to 1:15 a. m., in compliance with the Board's recommendations.

Church Avenue line.—Service on this line has been increased sixty-two trips.

Court Street line.—Service on this line has been increased two trips. An addition to the service on Court street has been made by the Union street line, which operates through Court street from Union street to Atlantic avenue and through to New York.

Crosstown line.—Service on this line has been increased fifteen trips, and 50 per cent. of the equipment has been replaced with larger cars, seating forty-eight as against thirty-eight.

Cypress Hills line.—This service has been increased one trip.

Douglas Street line.—This line has been discontinued on account of the extension of the Bergen street line from the intersection of Buffalo avenue and St. John's place to Woodhaven. This extension is operated from Rockway avenue and Liberty avenue during the rush hours, and from Buffalo avenue and St. John's place during the non-rush hours, to New York.

Fifth Avenue line.—This service has been increased by the addition of eleven through trips and seventy-eight short trips between Thirty-sixth and Sixtieth streets, and a loop has been constructed at Thirty-sixth street for the use of these short line cars; they are fed out of the loop on the arrival of elevated trains.

Fifteenth Street line.—This line has been increased by the addition of twenty trips, all of which are during the rush hours.

Flatbush Avenue line.—Service on this line has been increased by forty trips. In addition, 25 per cent. of the equipment now has a seating capacity of forty-eight as against thirty-two.

Flushing Avenue line.—There has been no change made in the service on this line.

Flushing-Knickerbocker line.—There has been no change made in the service on this line.

Flushing-Ridgewood line.—There has been no change made in the service on this line except on Sundays, when a six-minute headway is operated against a previous headway of ten minutes, and the larger cars are run on these days.

Graham Avenue line.—Service on this line has been reduced eight trips. This reduction was found necessary for the reason that it was found impossible to get the number of cars required by the schedule over the bridge.

Greenpoint line.—There has been no change in the number of trips operated on this line.

Hamburg Avenue line.—Service on this line has been increased by forty-eight trips. Larger cars have been substituted, seating forty-eight as against thirty-eight.

Hamilton Avenue line.—Service on this line has been increased three trips.

Lutheran Cemetery line.—There has been no change made in this service.

Marcy Avenue line.—There has been no change in the service of this line, except the change of route noted above.

Metropolitan Avenue line.—There has been no change in the number of trips operated on this line.

Myrtle Avenue line.—There has been an increase of sixty-nine trips on this line.

Nassau Avenue line.—Service on this line has been increased twenty-two trips.

Nostrand Avenue line.—Service on this line has been increased thirty trips, and new cars with a seating capacity of forty-eight are now operated, as against those seating thirty-eight.

Ocean Avenue line.—There has been an increase of six trips in the service on this line.

Park Avenue line.—The service on this line has been increased thirteen trips. Traffic conditions on this line have been somewhat relieved by the reduction in the force in the Navy Yard which has recently been made.

Ralph Avenue line. There has been no change in the number of trips operated on this line.

Richmond Hill line.—There has been no change in the number of trips operated on this line.

Sea Gate and Sheepshead Bay line.—There has been no change in the service on this line.

Sixteenth Avenue line.—There has been no change in the number of trips operated on this line.

Summer Avenue line.—In addition to the change in route noted above, there has been an increase of two trips on this line.

Third Avenue line.—There has been an increase of eleven trips operated on this line.

Tompkins Avenue line.—With the exception of the change in route noted above, there has been no change in the service of this line.

Ulmer Park and Thirty-ninth Street line.—There has been a decrease of thirty-nine trips on this line. It is now operated only during the rush hours.

Union Avenue line.—There has been no change in the number of trips operated on this line.

Union Street line.—This is a new line, put in operation about April 1, 1905, on which there are 144 trips run daily, and is operated between Ninth avenue and Twentieth street and New York, via the Brooklyn bridge.

Vanderbilt Avenue line.—There has been an increase of fifteen trips on this line, and all night service has been installed.

Thirty-ninth Street-Fort Hamilton line.—There has been an addition of twelve trips made on this line. It is now operated during the morning and evening rush hours; it was formerly operated during the evening rush hours only.

Bay Ridge-Suburban line.—There has been an increase of eight trips on this line.

Eighty-sixth Street Suburban line.—There has been an increase of nineteen trips made on this line.

Meeker Avenue, "buffalo."—This is a new line, put in operation with the change of the Marcy Avenue line in April, 1905, on which there are 104 trips operated.

Sackett and White Streets, "buffalo."—This line was put in operation with the change of the Marcy Avenue line in April, 1905; seventy-four trips are operated over it.

Jamaica Avenue line.—This is the Jamaica end of the former Broadway line, put in operation September, 1905, on which there are operated 289 trips, an increase of 45 over the former operation.

Fort Hamilton, "buffalo."—An increase of twenty-six trips is operated on this line.

Wyckoff Avenue line.—This is a new line, operated between Ridgewood depot and the Broadway ferries, on which thirty-six trips are run. It was put in operation October 16, 1905.

Statement showing number of closed cars available for operation (surface) and the number required by the schedules of January, 1905, and January, 1906.

January, 1906.
1169 double trucks
319 single trucks
1488

January, 1905.
968 double trucks
400 single trucks
1368

Inc.	Dec.
201 double trucks	81 single trucks
Increases..... 120 cars	

The number of cars required by the schedules in effect on the different lines during the winter of 1905 was 1,220. Of these, 968 were double truck and 252 single truck cars. The number of cars required by the schedules of 1906 was 1,320, an increase of 100 cars. Of the 1,320 cars operated at present, 1,169 are double truck and 151 are single truck cars; an increase in the number of double truck cars of 201, and a decrease of 101 single truck cars. All of the new double truck cars added have a seating capacity of 48, against a seating capacity of 30 in the single truck cars.

There are at present 465 transfer points on the system.

Maximum number of cars operated over the bridges.

The maximum number of cars run over the Brooklyn bridge during the p. m. rush hours varies from 280 to 316, of which the Coney Island & Brooklyn Company operate 42 to 46 cars.

The maximum number of cars per hour during the p. m. rush hours over to Williamsburgh bridge varies from 145 to 166, of which the Coney Island & Brooklyn Company operates 8 to 9 cars.

The fluctuation in the number of cars operated over both the Brooklyn and Williamsburgh bridges is accounted for by the interruption to traffic caused by obstructions, and to the congestion on Fulton street and at other points.

The increased service over the bridges on the surface lines January, 1905, compared with January, 1906, is as follows:

Brooklyn Bridge.

Lines	A. M. Rush, 1906.	A. M. Rush, 1905.	P. M. Rush, 1906.	P. M. Rush, 1905.	Max. per hr.
Union street.....	10	0	11	0	0
Myrtle avenue.....	28	18	30	24	24
	38	18	41	24	24
	Inc. 20.		Inc. 17.		

Williamsburgh Bridge.

Lines	A. M. Rush, 1906.	A. M. Rush, 1905.	P. M. Rush, 1906.	P. M. Rush, 1905.	Max. per hr.
Broadway	23	22	24	20	20
Bushwick Avenue..	21	12	20	12	12
Hamburg Avenue..	20	17	20	19	19
Ralph Avenue.....	8	0	12	0	0
Sumner Avenue....	12	0	15	0	0
Tompkins Avenue..	6	0	8	0	0
	90	51	99	51	51
	Inc. 39.		Inc. 48.		

The maximum number of cars allowable over the Brooklyn bridge under the rules of the bridge authorities is 280 per hour. There is no restriction by the bridge authorities on the number of cars per hour which can be operated over the Williamsburgh bridge.

Relief for Congestion on Fulton Street.

One of the most serious obstructions to the free movement of cars exists on Fulton street, caused by the congestion between Court street and Flatbush avenue. The company have to some extent relieved this condition by diverting cars which were formerly operated through this street as follows:

A. M. Rush, 7 to 9:30 A. M.		Cars	
Bergen Street line.....	26	}	Diverted through Fulton street, Court street to Atlantic avenue from New York and City Hall to take them off Boerum place crossing at Fulton street.
Douglas Street line.....	20		
Seventh Avenue line.....	33		
Third Avenue line.....	18		
Flatbush Avenue line.....	14		
Total	111		
Fulton Street line.....	14	}	Diverted through Court street, Joralemon street, Willoughby street and Rockwell place from City Hall instead of operating through Fulton street.
Putnam Avenue line.....	17		
Gates Avenue line.....	22		
Total	53		
P. M. Rush, 5:30 to 6:30 P. M.		Cars	
Bergen Street line.....	21	}	Diverted through Fulton street, Court street and Atlantic avenue from New York to take them off Boerum place crossing at Fulton street.
Flatbush Avenue line.....	15		
Douglas Street line.....	8		
Seventh Avenue line.....	12		
Total	56		
Fulton Street line.....	20	}	Diverted through Court street, Joralemon street, Willoughby street and Rockwell place from New York and ferry to take the crowded cars off Fulton street and leave more space for empty cars starting from City Hall, which are easily loaded and carry off the people, whereas the loaded cars from New York take up room, make the stops and are unable to take on passengers in Fulton street.
Gates Avenue line.....	20		
Putnam Avenue line.....	7		
Total	47		

By this operation considerable time is saved on the run between City Hall and Flatbush avenue.

Passengers Carried.

The number of passengers carried on both the elevated and surface systems during the month of January, 1905, was 28,256,205. During the month of January, 1906, 34,377,752, an increase in January, 1906, over January, 1905, of 6,121,547 passengers, or 21.68 per cent. The increase in car mileage during the same months was 15.63 per cent. In addition to the increase in car mileage the company have put in operation during the past year 201 surface cars, with a seating capacity of 48 each, replacing 101 cars with a seating capacity of 26 each. Also 92 elevated cars, with an increased seating capacity.

POWER.*Electric Power Available, Nominal Capacity Machines.*

	Jan. 1, 1905.	Jan. 1, 1906.
	Kilowatts.	Kilowatts.
Southern power station.....	4,660	4,660
Thirty-ninth Street power station.....	4,100	4,100
Third Avenue power station.....	4,340	4,340
Central power station.....	18,900	21,600
Eastern power station.....	11,700	11,700
Bridge power station.....	880	880
Total.....	44,580	47,280

In addition to the above the Company are purchasing power from outside parties, the amount purchased in January, 1906, being 1,310,680 kilowatts. The Company have sufficient power for present maximum requirements of operation, heating and lighting.

Safety Devices.

The following interlocking plants have been renewed since January 1, 1905:

Sixty-fifth Street line, Third avenue elevated.....	20 levers.
Kings County Bridge terminal.....	24 levers.
Kings County City Line terminal.....	12 levers.
Cypress Hills	17 levers.
Sea Beach Drawbridge	6 levers.
Thirty-sixth street and Fifth avenue.....	35 levers.
Ridgewood	9 levers.

The following interlocking plants have been overhauled since January 1, 1905:

City Line — Kings County, west plant.
 High and Sands streets.
 Adams street cut.
 Broadway & Lexington.
 West End drawbridge.

Standard Signals (90 deg. blades and red and green lenses were installed at all interlocking plants.

Overhauling and Repairs to Equipment.

During the year 1905 and the month of January, 1906, the company have repaired and reconstructed equipment as follows:

Surface Division.

Cars through shop for general repairs in 1905 and January, 1906:

Passenger cars (open).....	1153
Passenger cars (closed).....	763
Total	1916
Service cars	232
Grand total (repaired)	2148
Cars vestibuled	608

Elevated Division.

Reconstructed — passenger equipment:

Motor cars	363
Trail cars	102
Total	465
Service cars	28
Grand total (reconstructed)	493
Passenger cars	512
Locomotives	23
Total	535

Outstanding Orders for Cars and Contemplated Purchases.

The company's officials furnish the information that additions are to be made to the service equipment as follows:

Elevated service.—Car bodies contracted for and not at present received, 100. Also contracted for and not received at this date the necessary motors, controllers, trucks, air brakes, and other apparatus to complete these 100 cars for service. This contract was executed February, 1905.

Surface equipment.—Contracts executed October, 1905, for delivery in February and March, 1906, 150 car bodies. Contracts also awarded for trucks, motors, electric controllers, air brakes, etc., for the completion of these 150 cars. Specifications are now being prepared for an additional 150 surface cars complete, for delivery in the fall of 1906.

Additions to Power Equipment.

Officials of the company furnished the information that funds have been appropriated by the executive committee, to be expended during the year 1906, for the completion of the eastern power station, completion of the central power station, completion of the Williamsburgh power station, and for new substations at New Utrecht avenue and Sixty-second street, at Richmond Hill, Hudson avenue, and Rockaway avenue, and that it is the intention to complete these additions as soon as possible.

Future Requirements.

Cars.—With the addition of the 150 surface cars which the company intended to order, and the 100 elevated cars which have been ordered and not received, the company will have available for operation during the winter of 1906-7 as many cars as it can operate with its present track facilities.

Power.—If the plans of the company in reference to additions to power stations are carried out, it will have available during the winter of 1906-7 all of the power required for maximum operation.

Operation.

The investigation of the conditions of traffic referred to above, developed the fact that no material improvements can be made on the lines which are operated through over the Brooklyn and Williamsburgh bridges during the rush hours of the morning and evening.

Additions to the service can be made on both the elevated and surface lines where necessary during other hours of the day.

During the morning and evening rush hours cars are overloaded on both the surface and elevated lines. During other hours, while there is some overloading, which in a number of cases is due to delays in movement, the

condition of the surface and elevated travel in the borough of Brooklyn during the non-rush hours is better than it has been in a number of years.

The result of the work of the traffic regulation police squad in the borough of Brooklyn, was noticeable in the freer movement of cars. (Case No. 3542.)

XXX.

RECOMMENDATIONS TO THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC BY THAT COMPANY ON ITS ELEVATED LINES.

Determination. March 22, 1906.

The Board, after an investigation of the conditions of traffic on the elevated lines operated by the Brooklyn Heights Railroad Company, find that owing to limited terminal facilities they are unable to recommend any material increase in this service during the morning and evening rush hours, but find that it is possible to increase the service during other hours of the day, and recommended as follows:

That the Brooklyn Heights Railroad Company increase the service on the different elevated lines as follows:

1. *Fulton Street line*.—That all four-car trains operated from the Fulton ferry during the evening rush hours be made five-car trains.

2. *Fifth Avenue line*.—(a) That all three-car trains operated on this line between the hours of 1:07 p. m. and 3:55 p. m. on Saturdays be made four-car trains. (b) That all three-car trains operated on Sundays between the hours of 1:30 p. m. and 10:30 p. m. be made four-car trains. (c) That all three-car trains operated daily between the hours of 1:30 p. m. and 11:30 p. m. be made four-car trains.

3. *Lexington Avenue line*.—(a) That all three-car trains operated on this line on Saturdays between the hours of 2:30 p. m. and 3:02 p. m. be made five-car trains. (b) That all four-car trains operated on this line on Sundays between the hours of 1:30 p. m. and 10 p. m. be made five-car trains. (c) That all four-car trains operated on this line on Saturdays between the hours of 3:02 p. m. and 3:24 p. m. be made five-car trains.

4. *Brighton Beach line*.—(a) That the shelter stations formerly in use on this line between Manhattan junction and Sheepshead Bay junction be removed to the Long Island Railroad Company's right of way or new stations erected instead. (b) That at the points where the trains of this line cross the Long Island Railroad Company's tracks the crossing be protected by derails and signals in the Long Island Railroad Company's tracks, and with signals on the Brighton Beach line tracks, all interlocked with the switches. (c) That a separate short-line service be operated during the period of the improvement now in progress, between Newkirk avenue and the Brooklyn bridge, and that a through line service be operated between Culver depot, Coney Island, and the Brooklyn bridge, without coupling up at Newkirk avenue, as was done previously. The combined headway of trains between Newkirk avenue and the Brooklyn bridge to be no greater than heretofore. The combined seating capacity of trains operated between Newkirk avenue and the Brooklyn bridge to be not less than heretofore. (d) That all 3-car trains operated on this line on Sundays from 1 p. m. to 6 p. m. be made five-car trains.

5. *Sea Beach line*.—That on Sundays between the hours of 1:30 p. m. and 6:00 p. m. three-car through trains be operated instead of the single car attached to the West End trains as at present.

6. *Broadway line*.—That the work of extending platforms on this line to accommodate six-car trains be completed as soon as possible.

7. *West End line*.—That all four and three-car trains operated on this line on Sundays between 1 p. m. and 10 p. m. be made five-car trains.

8. *Culver line*.—That all two-car trains operated on this line on Sundays between 1:30 p. m. and 6 p. m. be made three-car trains.

9. *Ridgewood line*.—(a) That all three-car trains operated on this line on Sundays from 1:30 p. m. to 10 p. m. be made four-car trains. (b) That the work of extending the platforms to accommodate six-car trains on this line be completed as soon as possible.

The electrical expert of this Board reported under date of April 26, 1906, that these recommendations had been complied with. (Case No. 3542.)

XXXI.

RECOMMENDATIONS TO THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO INCREASE IN SERVICE RENDERED THE PUBLIC BY THAT COMPANY ON ITS SURFACE LINES.

Determination. March 27, 1906.

The Board of Railroad Commissioners, after an investigation of the traffic conditions in the Borough of Brooklyn, recommend that The Brooklyn Heights Railroad Company increase the service on the surface lines operated by it as follows:

Recommendations.

1. *Bergen Street line*.—(a) That the headway on which cars are operated on this line from 8:50 a. m. to 9:30 a. m. be reduced from five minutes to four minutes. (b) That from 9:30 a. m. to 2 p. m. the headway be reduced from six minutes to five minutes. (c) That from 2 p. m. to 3:50 p. m. the headway be reduced from five minutes to four minutes.

2. *Croton town line*.—(a) That cars on this line between the hours of 1 p. m. and 3:05 p. m. be operated on a four-minute headway instead of five minutes.

3. *Flatbush Avenue line*. (a) That cars on this line be operated between the hours of 8:42 a. m. and 9 a. m. on a two-minute headway instead of three minutes. (b) That from 9 a. m. to 12:09 p. m. cars shall be operated on a three-minute headway instead of three and one-half minutes. (c) That from 12:09 p. m. to 1 p. m. cars shall be operated on a two and one-half-minute headway instead of three minutes.

4. *Hamburg Avenue line*.—That on Sundays cars on this line be operated between the hours of 1 p. m. and 6 p. m. on a two and-half-minute headway instead of three minutes.

5. *Lutheran Cemetery line*.—That cars That cars on this line shall be operated on Sundays between the hours of 2 p. m. and 5:30 p. m. on a six-minute headway instead of ten minutes.

6. *Fulton Street line*.—That cars on this line be operated from 8:15 a. m. to 1 p. m. on a two and one-half-minute headway instead of three minutes.

7. *Gates Avenue line*.—(a) That cars on this line be operated from 8:30 a. m. to 1:10 p. m. on a two-minute headway instead of two and one-half minutes. (b) That from 1:40 p. m. to 2:40 p. m. cars be operated on a two-minute headway instead of two and one-half minutes.

8. *Marcy Avenue line*.—(a) That cars on this line be operated from 6:30 p. m. to 7:40 p. m. on a six-minute headway instead of seven minutes. (b) That on Sundays between the hours of 1:30 p. m. and 6:30 p. m. they be operated on a five-minute headway instead of six minutes.

9. *Nostrand Avenue line*.—That cars on this line on Sundays be operated between the hours of 1 p. m. and 6 p. m. on a four-minute headway instead of five minutes.

10. *Ocean Avenue line*.—That cars on this line on Sundays be operated between the hours of 1:30 p. m. and 5:30 p. m. on a ten-minute headway instead of twelve minutes.

11. *Ralph Avenue line*.—(a) That cars on this line be operated from 6 a. m. to 9 a. m. on a six-minute headway instead of eight minutes. (b) That from 9 a. m. to 2 p. m. cars be operated on an eight-minute headway instead of ten minutes. (c) That from 2 p. m. to 8 p. m. cars be operated

on a six-minute headway instead of eight minutes. (d) That from 7:30 p. m. to 11 p. m. cars be operated on an eight minute headway instead of ten minutes.

12. *Third Avenue line.*—(a) That cars on this line be operated from 2:10 p. m. to 3:34 p. m. on a three and one-half-minute headway instead of four minutes. (b) That on Sundays between the hours of 1:30 p. m. and 5:30 p. m. cars be operated on a five-minute headway instead of six minutes.

The electrical expert of this Board reported under date of April 26 that these recommendations had been complied with. See other general recommendations to this company under this title in this volume following. (Case No. 3542.)

XXXII.

RECOMMENDATION TO THE NEW YORK CITY RAILWAY COMPANY AS TO MOTIVE POWER ON ITS TWENTY-EIGHTH AND TWENTY-NINTH STREETS CROSSTOWN LINE.

Determination. March 28, 1906.

Our examination of the Twenty-eighth and Twenty-ninth Streets Crosstown lines determines us in the opinion that electricity should be substituted for the present method of propulsion, and we hereby recommend that the New York City Railway Company proceed with the change of power as speedily as possible.

We request that said company promptly notify this Board as to their intentions as to compliance with this recommendation.

The company informed this Board that "the change of motive power on these lines will be proceeded with when the material can be secured for the work." See complaint of Louis H. Pink, next following. (Case No. 3547.)

XXXIII.

IN THE MATTER OF THE COMPLAINT OF LOUIS H. PINK FOR THE MILTON CLUB, OF NEW YORK CITY, AND OTHERS, AGAINST THE NEW YORK CITY RAILWAY COMPANY, AS TO THE EAST SIDE LINES OF SAID COMPANY.

Determination. March 28, 1906.

The Board of Railroad Commissioners, after an examination of the traffic conditions in the lower east side of the Borough of Manhattan, makes the following recommendations:

Recommendations.

1. That the New York City Railway Company cause the tracks of what is known as the Cortlandt Street Ferry line, now operated by it by horse power from Cortlandt Street Ferry to Grand Street Ferry, to be equipped for the operation of electric cars.

2. That the New York City Railway Company cause what is known as the Chambers and Grand Street Ferry line, now operated by it between Grand Street Ferry and Pavonia Ferry by horse power, to be equipped for the operation of electric cars.

3. That the New York City Railway Company cause the tracks of what is known as its Grand and Desbrosses Street Ferry line, now operated by horse power, to be equipped for the operation of electric cars.

4. That the New York City Railway Company cause the tracks in East Broadway, between Canal street and Chatham square, to be equipped for the operation of electric cars, and that additional tracks be equipped for electric operation and connected with the tracks in East Broadway, so that a through north and south line of electric cars can be operated through East Broadway and Park row.

5. That the New York City Railway Company provide cars and power for the proper operation of the above-mentioned lines at the date of completion of the electric equipment of the tracks.

6. We further recommend that work be begun on these absolutely necessary improvements at the earliest possible date, and we request that the New York City Railway Company promptly notify this Board as to their intentions as to compliance with the recommendations made herewith.

The company has announced that it is to change the motive power on these as well as on other lines to underground electricity. (Case No. 3524.)

XXXIV.

IN THE MATTER OF THE COMPLAINT OF LOUIS H. PINK, FOR THE MILTON CLUB, OF NEW YORK CITY, AND OTHERS, AGAINST THE NEW YORK CITY RAILWAY COMPANY, AS TO THE EAST SIDE LINES OF SAID COMPANY.

Second Recommendations. April 3, 1906.

The Board of Railroad Commissioners have investigated the complaints of Louis H. Pink, representing the Milton Club (University Settlement), and others, against the New York City Railway Company, in reference to traffic conditions on the lower east side of the Borough of Manhattan.

This complaint was received at a time when the Board were engaged in making a general investigation of the traffic conditions in the borough of Manhattan — especially in that portion through which horse cars are operated.

In the matter of the specific complaint presented by Mr. Pink, the Board held a public hearing at its New York office, proper notice of which was given, and it was attended by a number of prominent men and women representing civic organizations located in the territory mentioned in the complaint.

Nearly all of the statements made by the parties at the public hearing in reference to inadequate service furnished by the New York City Railway Company on the crosstown lines operated by it in lower Manhattan, especially on the horse car lines, are found to be true.

The service on these lines is entirely inadequate for the present and rapidly increasing travel which moves across the lower end of Manhattan during the morning and evening hours.

The cars in use on these lines have not sufficient seating capacity, and there is not a sufficient number of them in operation.

On account of the character of the streets through which they are run, it is almost an impossibility to keep them in a proper condition of cleanliness, especially during the winter season.

A majority of the streets are narrow, and in most cases the congestion of vehicular traffic in them is so great that regular movement of cars through them is impossible.

A large portion of the tracks over which these cars are run is in such condition that passengers cannot ride over them with any degree of comfort.

A large number of horse cars are not equipped with any means of heating.

Very few, if any, of the cars are properly lighted.

The ventilation of the cars is very poor.

All cars operated on the Grand and Cortland Street Ferry line, the Chambers and Madison street line, and the Spring and Delancey street line, are seriously overloaded during the morning and evening rush hours.

No permanent relief can be furnished for the serious conditions of traffic which exist in the section of Manhattan mentioned, except through the electrification of the different horse car lines at present operated. This Board, on March 28, 1906, recommended to the New York City Railway Company that it electrify its crosstown lines now operated by horse power as follows:

Recommendations.

1. That the New York City Railway Company cause the tracks of what is known as the Cortlandt Street Ferry line, now operated by it by horse power from Cortlandt Street Ferry to Grand Street Ferry, to be equipped for the operation of electric cars.

2. That the New York City Railway Company cause what is known as the Chambers and Grand Street Ferry line, now operated by it between Grand Street Ferry and Pavonia Ferry by horse power, to be equipped for the operation of electric cars.

3. That the New York City Railway Company cause the tracks of what is known as its Grand and Desbrosses Street Ferry line, now operated by horse power, to be equipped for the operation of electric cars.

4. That the New York City Railway Company cause the tracks in East Broadway, between Canal street and Chatham square, to be equipped for the operation of electric cars, and that additional tracks be equipped for electric operation and connected with the tracks in East Broadway, so that a through north and south line of electric cars can be operated through East Broadway and Park row.

5. That the New York City Railway Company provide cars and power for the proper operation of the above-mentioned lines at the date of completion of the electric equipment of the tracks.

6. We further recommend that work be begun on these absolutely necessary improvements at the earliest possible date, and we request that the New York City Railway Company promptly notify this Board as to their intentions as to compliance with the recommendations made herewith.

The Board also recommended on the above date that the New York City Railway Company electrify its Twenty-eighth and Twenty-ninth streets lines.

While permanent relief for the existing conditions can only be secured by a change in the method of operation from horse to electricity, some immediate relief can be afforded by additional cars on some of the lines, and change of routes on others, to accomplish which the following recommendations are made:

Recommendations.

1. That the cars run on what is known as the Grand and Cortlandt Street Ferry line via Canal street, be turned at the corner of Beach and Washington streets, instead of being run to Cortlandt Street Ferry, as at present.

If the above recommendation is complied with, cars on this line will not be operated through Washington and Greenwich streets, on which the congestion of street travel causes serious delays. It is estimated that only 15 per cent. of the entire traffic of this line is carried to and from the Cortlandt Street Ferry. Transfers to and from the Eighth and Ninth avenue electric lines at Beach street will accommodate this travel. There are twelve cars in operation on this line, and by making the western terminus of the route at Beach and Washington streets, it is estimated that the increased movement will be equivalent to twelve cars added to the line.

2. *Chambers and Madison Street line.*—There are at present twenty-four cars in operation on this line. The Board recommends that twelve additional cars be operated on this line.

3. *Spring and Delancey Street line.*—There are twenty cars at present operated on this line. It is recommended that ten more cars be put in operation on this route.

4. That the change in the route of the Grand and Cortlandt Street Ferry line, and the increased service on the Chambers and Madison street and the Spring and Delancey street lines, be put in effect not later than April 7, 1906.

5. That the lights in all cars be equipped with reflectors, and that all lights be kept in proper condition with clean globes.

6. That the company make provisions for properly heating all cars during the winter of 1906-1907.

7. That material be immediately ordered for repairing the tracks of the Grand and Cortlandt Street Ferry line, the Chambers and Madison street

line, and the Spring and Delancey street line. That this work be completed as soon as possible.

8. That in addition to properly cleaning cars every night, they be thoroughly disinfected each night.

9. That orders be issued to conductors and inspectors which will result in closer attention to the ventilation of cars.

The company informed this Board that these recommendations would be complied with. See two immediately preceding determinations. (Case No. 3524.)

XXXV.

IN THE MATTER OF THE COMPLAINT OF J. H. ANDREWS OF BROOKLYN AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO RATE OF SPEED OF GATES AVENUE SURFACE CARS.

April 3, 1906.

This complaint by J. H. Andrews of Brooklyn against the Brooklyn Heights Railroad Company was filed with this Board on March 16, 1906. It alleged that Gates avenue surface cars of the company were operated on Franklin avenue between Gates and Greene avenues, Brooklyn, at excessive rates of speed, and that many of the cars would not stop to take on or let off passengers between these avenues. A copy of the complaint was sent to the company, which answered. A copy of this answer was sent to complainant, who replied. A report in the matter was made by the electrical expert of the Board to the effect that a rule of the company requires motormen to bring their cars to a stop at the far side of all street intersections on Franklin avenue where passengers desired to board or leave the cars, and that on the date of his observation (April 27) this rule was observed, and also that on said date the cars were not run at excessive speed. The case was closed. (Case No. 3534.)

XXXVI.

IN THE MATTER OF THE COMPLAINT OF E. A. HOWLAND OF NEW YORK CITY AGAINST THE INTERBOROUGH RAPID TRANSIT COMPANY (LESSEE, MANHATTAN RAILWAY).

April 24, 1906.

This complaint by E. A. Howland of New York city against the Interborough Rapid Transit Company, as lessee of the Manhattan Railway, was filed with this Board on January 18, 1906. It alleged that trains on the Third Avenue line of the Manhattan Railway, New York city, passed the Fifty-third street station without stopping. After correspondence with the company it answered that "We do * * * occasionally skip trains by stations, but only when the condition of the service demands that it be done, in order to break up congestion and facilitate the movement of trains." A copy of this answer was sent to complainant, who replied, and the case was closed. (Case No. 3487.)

XXXVII.

IN THE MATTER OF THE COMPLAINT OF THE NORTH CORONA PROPERTY OWNERS' ASSOCIATION AGAINST THE NEW YORK AND QUEENS COUNTY RAILWAY COMPANY AS TO OPERATION OF ITS JACKSON AVENUE LINES.

April 24, 1906.

This complaint by the North Corona Property Owners' Association against the New York and Queens County Railway Company was filed with this

Board on January 20, 1906. It alleged that cars on the Jackson Avenue line of said company were overcrowded and were not run on schedule time. A copy of the complaint was sent to the company, which answered denying the allegations of the complaint. A copy of the answer was sent to complainants, who replied reiterating the complaint. A report in the matter was made by an inspector of this Board. After a recommendation of this Board to the company in another case the company informed the Board that it would purchase twenty additional cars to be delivered in September, 1906. Complainants, on October 2, 1906, filed with the Board a further complaint in this matter. At the time of writing this report the matter of the service rendered the public by this company, generally, is being investigated by this Board. This case was closed. (Case No. 3491.)

XXXVIII.

IN THE MATTER OF THE COMPLAINT OF PERCY L. MARVIN OF BUFFALO AGAINST THE BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY AS TO LOCKING OF PASSENGER CAR DOORS.

April 24, 1906.

This complaint by Percy L. Marvin of Buffalo against the Buffalo, Rochester and Pittsburgh Railway Company was filed with this Board on March 23, 1906. It alleged that on the passenger trains of said company entering the station at Buffalo at 8:30 a. m. the rear door of the rear coach was locked and because passengers could not leave by this rear door the danger in case of collision was increased. A copy of the complaint was sent to the company, which answered that "I find upon investigation that this practice has been in vogue as a matter of additional safety in the discharging of passengers at that point, but it has been found that the same results can be accomplished by other means and instructions to that effect have been issued." A copy of this answer was sent to complainant, and the case closed. (Case No. 3543.)

XXXIX.

IN THE MATTER OF THE COMPLAINT OF EDWIN M. DORLAND OF OLD CHATHAM AGAINST THE RUTLAND RAILROAD COMPANY AS TO ALLEGED SETTING OF FIRES BY LOCOMOTIVE ENGINES.

April 24, 1906.

This complaint by Edwin M. Dorland of Old Chatham against the Rutland Railroad Company was filed with this Board on January 30, 1906. It alleged that sparks from locomotives of engines of that company had set fires on his premises. A copy of the complaint was sent to the company, which answered. A copy of the answer was sent to complainant, with request for reply. The complainant did not reply and the case was closed. (Case No. 3497.)

XL.

IN THE MATTER OF THE COMPLAINT OF JAMES J. LAWLESS OF WEST SENECA, ERIE COUNTY, AGAINST THE BUFFALO SOUTHERN RAILWAY COMPANY AS TO CESSATION OF OPERATION OF ITS RAILROAD.

April 24, 1906.

This complaint by James J. Lawless of the Abbott road, West Seneca, Erie county, against the Buffalo Southern Railway Company was filed with

this Board on March 21, 1906. It alleged that on Saturday afternoon, March 17th, the company had ceased operating cars over its entire line and at the time of writing the complaint operations had not been resumed. A copy of the complaint was sent to the company, which answered, "It is true that the Hamburg and Orchard Park division of this company was not running cars on Sunday 18th or Monday 19th, account of our being disappointed by the people from which we purchased coal by their failing to deliver coal which we had ordered and expected it would be on the siding in ample time," and that cars had begun running on schedule time at noon of March 21st. A copy of the company's answer was sent to complainant, who replied, and the case was closed. (Case No. 3540.)

XLI.

IN THE MATTER OF THE COMPLAINT OF G. H. HARRIS AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC ON ITS CROSSTOWN SURFACE LINES.

April 24, 1906.

This complaint of G. H. Harris of Brooklyn against the Brooklyn Heights Railroad Company was filed with this Board on March 26, 1906. It alleged that the company was not running sufficient cars on its crosstown surface lines. The matter of this complaint was covered in recommendation of this Board dated March 27, 1906, to the Brooklyn Heights Railroad Company, which will be found under this title in this volume. This case was closed. (Case No. 3545.)

XLII.

IN THE MATTER OF THE COMPLAINT OF HONORA COLLINS AGAINST THE NEW YORK CITY RAILWAY COMPANY AS TO GRAND STREET CARS NOT STOPPING UPON SIGNAL.

April 24, 1906.

This complaint by Honora Collins of New York city against the New York City Railway Company was filed with this Board on April 3, 1906. It alleged that cars on the Grand Street line of the company often did not stop on signal. A copy of the complaint was sent to the company, which answered that the cause of the complaint would be remedied if it existed. A copy of this answer was sent to complainant. Nothing further was heard from complainant, and the case was closed. (Case No. 3550.)

XLIII.

IN THE MATTER OF THE COMPLAINT OF NEW YORK STEREOTYPERS' UNION No. 1 AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY.

April 24, 1906.

This complaint by New York Stereotypers' Union No. 1 against the Brooklyn Heights Railroad Company was filed with this Board on April 5, 1906. It alleged that a night towerman on the elevated line of the company at the station at Myrtle avenue and Navy street, Brooklyn, worked in the daytime at the Franklin Electrotpe Company in Manhattan and alleged through his thus not securing sufficient rest his employment as towerman was against the safety of the public. A copy of the complaint was sent to the company,

which answered, "The matter was carefully investigated, and we believe that there is no ground for the accusations." A copy of this answer was sent to complainants, who replied, "We are satisfied to let the matter drop, as he does not work at the business any longer and consequently our interest in the man ceases." The case was closed. (Case No. 3553.)

XLIV.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF SUPERVISORS OF MONROE COUNTY AGAINST THE ROCHESTER AND SODUS BAY RAILWAY COMPANY.

April 24, 1906.

This complaint, by the Board of Supervisors of Monroe county against the Rochester and Sodus Bay Railway Company, was filed with this Board on February 6, 1906. It alleged that the company did not run sufficient passenger cars to accommodate the public. A copy of the complaint was sent to the company, which answered. A report in the matter was made by the electrical expert of the Board, who reported that " * * * I find the complaint is justified; that the company were not furnishing sufficient facilities to properly accommodate the travel. The company have recently adopted a new schedule, which went into effect Saturday, February 17, 1906, on which sufficient number of cars will be operated to relieve the conditions complained of." Subsequently the electrical expert reported as follows: " * * * I find that the new schedule mentioned has been in effect since February 17, 1906, and the change afforded sufficient transportation facilities during the winter season. The company are now preparing their summer schedule which will be put into effect in a short time, and will immediately increase the facilities furnished." The case was closed. (Case No. 3503.)

XLV.

IN THE MATTER OF THE COMPLAINT OF THE TERRY & TENCH COMPANY AGAINST THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

April 24, 1906.

This complaint, by the Terry & Tench Company, of New York city, against the New York, New Haven and Hartford Railroad Company, was filed with this Board on April 13, 1906. It alleged that the railroad company would not receive from complainants a quantity of steel for the New York, Westchester and Boston Railway Company which complainants desired to deliver for shipment either at the Van Nest station or the West Farms station of the New York, New Haven and Hartford Railroad Company. A copy of the complaint was sent to the company, which answered: "There is no objection whatever, and never has been, to handling any business for the New York, Westchester and Boston Railway, or any other company or individual at any station upon our line. The only objection we have raised, or are disposed to raise, to the wishes of the Terry & Tench Company is the use of our land at these points for storage purposes. All the facilities these people desire, other than the use of our property for storage purposes, we are glad to furnish them on the same terms and conditions we would to any other parties." A copy of this answer was sent to complainants, who replied as follows: "The case is not just as stated by the railroad company. What we want is, accommodation for unloading, not for storing. We do not care to store any material in the railroad yard; but the railroad company has no facilities for unloading heavy girders, and it is necessary, either for them

or for us, to put up a heavy derrick. If they will make arrangements by which this can be done, or give us accommodation by which we will be enabled to truck the material from their trucks, it will be all we need and all we want." After further correspondence, complainants informed the Board that the cause of complaint had been removed, and the case was closed. (Case No. 3555.)

XLVI.

IN THE MATTER OF THE COMPLAINT OF THE EIGHTEENTH WARD TAXPAYERS' ASSOCIATION, OF BROOKLYN, AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO THE OPERATION OF ITS METROPOLITAN AND MEEKER AVENUES SURFACE LINES.

April 24, 1906.

This complaint, by the Eighteenth Ward Taxpayers' Association, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on April 14, 1906. It alleged insufficient service rendered the public on the Metropolitan and Meeker avenues surface lines of this company's railroad. A copy of the complaint was sent to the company, which answered that it had held a conference with complainants, "and the following understanding, satisfactory to all concerned, was arrived at, namely: We will connect the Marcy Avenue tracks with the Metropolitan Avenue tracks by double curves and switches, and, upon the completion of the work, operate the Metropolitan Avenue line between St. John's cemetery and the Delancey Street terminal of the Williamsburg bridge via Metropolitan avenue Marcy avenue and Broadway; shuttle service to be operated from Broadway and Grand Street ferries via Kent avenue and Metropolitan avenue to Marcy avenue, transferring at that point to through cars for St. John's cemetery. I have directed that plans be prepared for the special track connection and, as soon as the work can be procured from manufacturers and put in the ground, we will begin this service. It is also understood that the operation of Meeker Avenue shuttle service will be continued until midnight; this service became effective yesterday, the 16th inst. The matter of heating cars on the Meeker Avenue and Metropolitan Avenue lines will also have our prompt attention." A copy of this answer was sent to complainants. Nothing further was heard from complainants, and the case was closed. (Case No. 3558.)

XLVII.

IN THE MATTER OF THE COMPLAINT OF W. B. VAN ALSTYNE, OF KINDERHOOK, AGAINST THE ALBANY AND HUDSON RAILROAD COMPANY AS TO ITS NOT GIVING RECEIPTS FOR MILK SHIPPED.

May 2, 1906.

This complaint, by W. B. Van Alstyne, of Kinderhook, against the Albany and Hudson Railroad Company, was filed with this Board on December 2, 1905. It is alleged that the company did not give receipts for milk shipped at Kinderhook, and did not give receipts at Albany to the consignees for empty cans returned, and that as a consequence milk and empty cans of complainant had been lost. A copy of the complaint was sent to the company, which answered. After further correspondence the complainant informed the Board that the cause of complaint had been removed not only in his case, but generally on the line. The case was closed. (Case No. 3462)

XLVIII.

IN THE MATTER OF THE COMPLAINT OF F. W. BROWN AGAINST THE NEW YORK CITY RAILWAY COMPANY AS TO FLAT WHEELS ON CARS.

May 2, 1906.

This complaint, by F. W. Brown, of New York city, against the New York City Railway Company, was filed with this Board on April 16, 1906. It is alleged that the wheels on car No. 44 of the company, operating on One Hundred and Forty-fifth street, between Lenox avenue and Broadway, had become flattened, resulting in a nuisance to the residents on that street. A copy of the complaint was sent to the company, which answered: "The car in question was taken off the line and new wheels put under it, so that it is now in service in first-class condition." A copy of the answer was sent to complainant, who did not reply. The case was closed. (Case No. 3559.)

XLIX.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF ALDERMEN OF NEW YORK CITY AS TO TOILET ROOMS IN THE ELEVATED RAILROAD STATIONS.

May 2, 1906.

This complaint by the Board of Aldermen of New York city, was filed with this Board on March 30, 1906. It is in the form of a resolution requesting this Board to require the several elevated railroad companies operating in the various boroughs of the city of New York to provide necessary comfort or toilet rooms on the various stations of said roads. A copy of the complaint was sent to the Brooklyn Heights Railroad Company, which operates elevated railroads in Kings county, which answered: "We have recently completed the work of installing toilet rooms at elevated stations, and now have this facility at every elevated station on our system except the station at Myrtle avenue and Adams street on the Brooklyn Union Elevated Railroad, westbound. This is a narrow platform used only for exit and for entrance of passengers destined to the bridge terminals. It is but two minutes' ride from the bridge terminal." A copy of this answer was sent to the city clerk. A copy of the complaint was also sent to the Interborough Rapid Transit Company, which operates the elevated railroads in Manhattan and the Bronx, which answered: "I beg to advise that all of the stations of the Manhattan Elevated Railroad in the borough of Manhattan are equipped with toilet rooms. There are a few stations on the Suburban line in the Bronx which, owing to certain conditions, are not open to the public, but are available on application to agents at the stations." A copy of this answer was sent to the city clerk. The case was closed. (Case No. 3548.)

L.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF ALDERMEN OF NEW YORK CITY AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY ALLEGING UNCLEANLY CONDITION OF CARS ON THE GRAHAM AND FLUSHING AVENUES LINE.

May 8, 1906.

This complaint, by the Board of Aldermen of New York City against the Brooklyn Heights Railroad Company, was filed with this Board on March 23, 1906. It is alleged that cars of the Graham and Flushing Avenues line of said company in Brooklyn were in an uncleanly condition. A copy of the

complaint was sent to the company, which answered as follows: "This resolution was also brought to our notice by the borough president and an investigation conducted by Dr. Henry V. Walker, chief inspector, division of inspections, a copy of whose report, dated April 11th and addressed to the assistant sanitary superintendent, is before me. The inspection was made on March 25th, a large number of cars being examined, some of which were in use and others stored in the depot at Manhattan avenue and Box street, Brooklyn. We have availed ourselves of the advice of Dr. Walker and have adopted the recommendations which he made, with result that on re-inspection, which was made on April 5, 1906, conditions were found to be greatly improved. The system of car cleaning has been modified, additions made to the force employed, and we do not anticipate further criticism from our patrons who may use this line." A copy of this answer was sent to the city clerk. The electrical expert of this Board reported in the matter to the effect that the cause of complaint had been removed. The case was closed. (Case No. 3544.)

LI.

IN THE MATTER OF THE COMPLAINT OF ISI FISCHER AGAINST THE INTERBOROUGH
RAPID TRANSIT COMPANY.

May 9, 1906.

This complaint, by Isi Fischer, of New York city, against the Interborough Rapid Transit Company (lessee, Manhattan Railway), was filed with this Board on April 4, 1906. It alleged that there should be signals on the Manhattan Railway structure at One Hundred and Tenth street and Eighth avenue curve. A report in the matter was made by the electrical expert of this Board as follows: " * * * The conditions and methods of operation at this curve are subjects which have received careful consideration, and several inspections have been made of them. There are 'slow' signs on either side of the curve, and breaks in the third rail arranged in such a manner that motormen are obliged to run 'in series' when passing over these points. Running with the controller in this position reduces the speed. The curve is properly protected with guard-rails and guard timbers, and has proper elevation. The speed of trains is not excessive for the character of the curve and the safeguards employed on it." A copy of this report was sent to complainant, and the case was closed. Subsequently a further complaint as to no signals at this curve was made by Henry Dill Benner, and the company informed this Board that signals would be installed, which was done. (Case No. 3551.)

LII.

IN THE MATTER OF THE COMPLAINTS OF N. E. HUTCHENS AND THE SUPERVISORS
OF MONROE COUNTY AGAINST THE ROCHESTER AND EASTERN RAPID RAILWAY
COMPANY.

May 9, 1906.

These complaints, by N. E. Hutchens, of Rochester, and by the Supervisors of Monroe county, against the Rochester and Eastern Rapid Railway Company, were filed with this Board on November 28 and December 6, 1905, respectively. They were in relation to alleged overcrowding of cars of the company in the city of Rochester and in the towns of Pittsford and Brighton, in said county. Copies of the complaints were sent to the company, which answered. A report in the matter was made by the electrical expert of this Board, who recommended to the company that on week days train No. 30 leaving Rochester at 6:30 p. m. be run in two sections. This recommendation was complied with, to the satisfaction of the complainants, and the case was closed. (Case No. 3458.)

LIII.

IN THE MATTER OF THE COMPLAINT OF THE TAXPAYERS' NON-PARTISAN ASSOCIATION, THIRD WARD, BOROUGH OF QUEENS, NEW YORK CITY, AGAINST THE NEW YORK AND QUEENS COUNTY RAILWAY COMPANY, AS TO SERVICE RENDERED THE PUBLIC.

May 14, 1906.

This is a complaint which this Board investigated in 1905; see page 41. first vol., R. R. Com. report 1905. On January 27, 1906, a further complaint in the matter was filed with this Board. The Board recommended to the company in another case that it procure additional cars. The company informed the Board that it would purchase twenty additional cars, "same to be delivered in September next." The matter of service rendered the public, generally, by this company is at the time of writing this report being investigated by this Board in a separate case. This case was again closed. (Case No. 3365.)

LIV.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF ALDERMEN OF NEW YORK CITY, AS TO THE HEATING OF CARS OF NEW YORK CITY RAILROADS.

June 4, 1906.

This complaint, being preambles and resolution of the Board of Aldermen of New York city, in relation to the heating of cars of the New York City Railway Company, the Manhattan Railway division of the Interborough Rapid Transit Company, and the elevated and surface railroad cars of the Brooklyn Heights Railroad Company, was filed with this Board on February 10, 1906. Before its receipt a report on this subject had been received from the electrical expert of the Board as follows: During the recent cold weather an investigation was made of the amount of heat furnished in the cars, both surface and elevated, operated in the boroughs of Manhattan and Brooklyn. The result of this investigation follows: The rules of the Interborough and New York City Railway companies, when complied with, insure the proper heating of cars on those systems. The observation of heating conditions on these two companies' cars has extended continuously during the extreme cold weather from February 5th to date. All of the surface cars, including the crosstown lines, which were inspected, were found comfortably heated. This condition was also true of the cars examined on the elevated lines, and shows that the Interborough Rapid Transit Company are complying with the Board's recommendation dated February 1, 1905, in reference to heating cars on the Manhattan Railway. For the above reasons, no recommendation is made to improve conditions of car heating on the New York City Railway or on the Manhattan Elevated Railroad. Investigation has shown that the surface and elevated cars operated by the Brooklyn Heights Railroad Company were not properly heated during the period mentioned above. All the cars are properly equipped with electric heaters controlled by a switch which when operated places the heaters in combinations giving three degrees of heat. When the switch is placed so that the heaters are in the third combination, they furnish the maximum degree of heat, which is sufficient to comfortably heat the cars during zero weather. On account of a temporary shortage of power furnished from the southern power station during the recent cold weather, the company were only enabled to operate the heaters in the second position during the rush hours, and the cars were not properly heated during those hours in the period mentioned. It was also found that another cause of improperly heated cars, especially during the morning rush hours, was due to the fact that a number of surface cars are stored in the yards, and that the heat was not turned on for a sufficient period before the cars were put in service. I am

informed by the company's officials that the cause of the shortage of power in the southern power station will be remedied to-day, and the company will then be enabled, when necessary, to operate all heaters in the third position. To insure the above result, the following recommendations are made:

"Recommendations.

"1. That when the temperature reaches a point fifteen degrees above zero, all heaters in all cars be operated in the third position, and to remain in that position until the temperature rises above that point. That at all other times a sufficient amount of heat be furnished to properly heat all cars operated.

"2. That a sufficient amount of heat be furnished in all cars to properly heat them thirty minutes before they are put in operation.

"3. That a weekly statement be made to this Board showing the state of the outside temperature, and the degrees of heat furnished in the cars, during each hour of each day of the week."

A copy of this report was sent to the Brooklyn Heights Railroad Company with a letter from this Board making the recommendations in the report the recommendations of the Board. The company informed the Board that it would comply with the recommendations, and the weekly records referred to in the recommendations were thereafter filed with this Board during the cold weather. This Board has again called upon the company for the heat records during the present winter and they are being filed. The case was closed. (Case No. 3509.)

LV.

IN THE MATTER OF THE COMPLAINT OF GEORGE W. VAIL AGAINST THE LONG ISLAND RAILROAD COMPANY.

June 4, 1906.

This complaint, of George W. Vail, of Brooklyn, against the Long Island Railroad Company, was filed with this Board on May 9, 1906. It complained of the difference in rates of passenger fare on trains of said company from Brooklyn to Jamaica. A copy of the complaint was sent to the company, which answered as follows: " * * * For the information of the Board, I beg to advise that for many years this company had a local passenger service between Jamaica and Brooklyn, making various stops and on which a fare of ten cents was charged. In addition to this we had our regular service connecting with all trains departing from and arriving at Jamaica station, serving as a Brooklyn connection for those trains. On these trains a regular rate of fare was charged. When the Atlantic Avenue Improvement was finished and electricity adopted between Jamaica and Brooklyn, the company decided to maintain the same operation as to the rates of fare and we have now in operation local electric service between Flatbush Avenue, Brooklyn, and Queens station. These trains make the local stops and a zone rate was established adhering to the established rate of ten cents as between Jamaica and Flatbush Avenue, and for the trains which made the connections at Jamaica and which made the two or three stops at junction points between Jamaica and Brooklyn a regular rate of fare is charged. In this way we give the public a satisfactory and frequent service at a low rate of fare, but for the regular train connections at Jamaica we must have the regular tariff rate * * *." A copy of this answer was sent to complainant, who did not reply. The case was closed. See other complaints (Tredwell and Allen) against this company as to passenger fare from East New York to Jamaica under this title in this volume. (Case No. 3575.)

LVI.

IN THE MATTER OF THE COMPLAINT OF JOHN W. CURTIS AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY, AS TO SERVICE RENDERED THE PUBLIC.

June 4, 1906.

This complaint, by John W. Curtis of Flatbush, Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on May 19, 1906. It alleged that the public living in the vicinity of Flatbush were not afforded proper transit facilities for reaching Brighton Beach, Coney Island, and Bergen Beach, inasmuch as by the time the cars reached Flatbush they were overcrowded, and suggested that the company start cars from a central point in Flatbush and run them directly to the beaches. A copy of this complaint was sent to the company, which answered. A copy of the answer was sent to complainant, who did not reply. A report in the matter was made by the electrical expert of this Board as follows: " * * * The company have arranged a system of operation for its Brighton Beach line taking effect next Sunday, which practically accomplishes what Mr. Curtis suggests. This operation will be as follows: An express service on the Brighton Beach line between Malbone street, Brighton Beach, and Coney Island. There will be no trolley car service on the Brighton Beach line. All trolley cars which formerly ran over this division will be turned on a loop constructed over the elevated tracks near Malbone street, with stairs connecting the trolley and Brighton Beach line stations. Transfers will be given between the surface and Brighton Beach cars at this point. This will result in dividing the travel, giving the people in the Flatbush section and those arriving on the trolley cars at Malbone street empty trains, which will usually make an express run to Brighton Beach or Coney Island. Mr. Curtis' suggestion of running cars through Flatbush avenue and Avenue C from Malbone street over the Brighton Beach division cannot be complied with, as the four-track system now in course of construction eliminates the connection of the Avenue C and Brighton Beach tracks. In reference to the improvement of the Bergen Beach service, the company are at present on Sundays and holidays operating two lines of cars to this point, one from New York, the other starting from City Hall, Brooklyn, and cars are added to these lines as the service requires." The case was closed. (Case No. 3587.)

LVII.

IN THE MATTER OF THE COMPLAINT OF THE PROPERTY OWNERS' ASSOCIATION OF THE TWENTY-THIRD WARD, BOROUGH OF THE BRONX, NEW YORK CITY, AND THE VAN NEST TAXPAYERS' ASSOCIATION, AGAINST THE UNION RAILWAY COMPANY.

June 4, 1906.

This complaint, by the Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, against the Union Railway Company, was filed with this Board on March 17, 1906, and was subsequently joined in by the Van Nest Taxpayers' Association. It alleged delay on the part of the Union Railway Company in laying its tracks across a new bridge spanning the Bronx river and the New York, New Haven and Hartford Railroad at Westchester avenue, New York city. After correspondence with the company and a hearing in the matter before this Board in New York city on April 10, 1906, the matter was referred to Commissioners Baker and Rockwell, who subsequently reported that the tracks had been constructed across this bridge and cars of the company had begun operating thereon. The case was closed. (Case No. 3536.)

LVIII.

IN THE MATTER OF THE COMPLAINT OF L. LILIENTHAL, AS TO SERVICE RENDERED THE PUBLIC BY STREET SURFACE AND ELEVATED RAILROAD LINES IN THE BOROUGH OF MANHATTAN AND THE BRONX, NEW YORK CITY.

June 4, 1906.

This complaint, by L. Lilienthal, of New York city, was filed with this Board on January 2, 1906. It alleged inadequate service rendered the public by the Interborough Rapid Transit Company on its subway and elevated railroad lines, the New York City Railway Company on its Third Avenue line, and on the Union Railway in the borough of the Bronx. The complainant was informed that this Board had not assumed jurisdiction of the subway. The matter of this complaint was closed. See recommendations to the Union Railway Company as to operation of additional cars under this title in this volume. (Case No. 3478.)

LIX.

IN THE MATTER OF THE COMPLAINT OF THE GRAND STREET BOARD OF TRADE OF BROOKLYN AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY, AS TO SERVICE RENDERED THE PUBLIC BY ITS SURFACE CARS ON GRAND STREET.

June 4, 1906.

This complaint, by the Grand Street Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company, was filed with this Board on April 14, 1906. It alleged inadequate service rendered the public on the Grand street surface line of said company. A copy of the complaint was sent to the company, which answered that, " * * * ". At the time this report was referred to the officers of our Transportation Department for investigation, we communicated with the Grand Street Board of Trade, a committee of which called at our invitation to discuss the service. Such adjustments as appeared necessary have been made in the service on Grand street and attached record of a check made on the 27th and 28th of April would indicate that the service now given satisfactorily cares for the business offering. In making this check, special counts were made both of the Grand street main line service and of the Metropolitan Avenue service operated on Grand street. The Grand street main line service was analyzed further by careful inspection of both divisions of the service; i. e., Broadway Ferry and New York " * * * ". A copy of this answer was sent to complainants, who did not reply. A report in the matter was made by the electrical expert of this Board, in which it appeared that the conditions did not call for further action by this Board, and the case was closed. (Case No. 3557.)

LX.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF CENTRAL PARK, L. I., AGAINST THE LONG ISLAND RAILROAD COMPANY, AS TO SERVICE RENDERED THE PUBLIC.

June 4, 1906.

This complaint, by residents of Central Park, L. I., against the Long Island Railroad Company, was filed with this Board on September 15, 1905. It is alleged that the company should run a later passenger train on its main line from New York city; that it should run passenger trains on what is known as the Central extension, located about three-quarters of a mile from Central Park; that the company should furnish a platform on the north side of its

track at the Central Park station; and in relation to certain grade crossings of its railroad at Central Park. A copy of the complaint was sent to the company, which answered. A copy of the company's answer was sent to complainants, who replied. A report in the matter was made by the inspector of this Board, and after further consideration the case was closed. (Case No. 3459.)

LXI.

IN THE MATTER OF THE COMPLAINT OF HARRISON WELLS AGAINST THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, AS TO REFUSAL TO PLACE CARS OF COAL ON A SWITCH OWNED BY COMPLAINANT BUT LEASED TO ANOTHER.

June 4, 1906.

This complaint, by Harrison Wells, of Cortland, against the Delaware, Lackawanna and Western Railroad Company, was filed with this Board on February 27, 1906. It alleged that complainant owned a switch leading from the Delaware, Lackawanna and Western Railroad in Cortland, and that he had leased the use of the switch to a coal company, and that the railroad company refused to deliver loaded coal cars thereon. A copy of the complaint was sent to the company, which answered, denying that Mr. Wells owned the switch and alleging that the railroad company owned it, and that "We could tear the switch up altogether if we so desired;" also that "We have looked into this matter with considerable care, both with reference to the facts and our legal obligations in connection with it, and have reached the conclusion that we are not obligated to deliver any cars consigned to the Red Ash Coal Company upon the switch in question, and indeed we have so advised that company, by letters to its attorneys, inviting them to establish by suitable action such obligation on our part. We have told them that, unless we were compelled by the court, we would not deliver the cars. This, or a kindred contention of the same nature, has been pending in Cortland for many years, and we have uniformly maintained the same position in connection with the matter." A copy of this answer was sent to complainant, who replied. This Board asked the opinion of the Attorney-General as to its jurisdiction in the matter, who informed the Board that: "From the facts presented, therefore, I am of the opinion that it is not within the power of the Board to make any order in the premises that would be of any avail or to proceed further than to ascertain the facts, which I assume would be developed as set forth in the papers forwarded to this office, and which would not furnish grounds for legal action against the railroad company." Under this opinion the case was closed. (Case No. 3519.)

LXII.

IN THE MATTER OF THE COMPLAINT OF LOUIS H. GEIN AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, AS TO PASSENGER FARES.

Determination. June 4, 1906.

This complaint, by Louis H. Gein, of Van Cortlandt, against the New York Central and Hudson River Railroad Company, was filed with this Board on March 20, 1906. It alleged that the passenger fares on the New York and Putnam division of said company's railroad from Van Cortlandt to One Hundred and Fifty-fifth street, New York city, were in excess of those charged for longer distances from other stations on the main line and the New York and Harlem division to the Grand Central station. Hearings on this complaint were given by this Board in the city of New York on May 9 and 23,

at which Mr. Gein appeared in person, and C. C. Paulding appeared for the company. It appears that the company does not charge to One Hundred and Fifty-fifth street for any kind of a ticket a rate higher than it is allowed by law to charge. While, in comparing some of the commutation rates to the Grand Central station with those to One Hundred and Fifty-fifth street, the rate per mile to One Hundred and Fifty-fifth street is seen to be greater than to the Grand Central station, this same condition exists on the main line, comparing stations nearer to New York with those further away, the rate per mile to those living further from New York being less than to those living in or nearer to New York. In other words, the commutation rates are not based on mileage. If they were changed and based on mileage, it seems likely that those now living further from New York would object strenuously to the increase in the amounts they would pay which would follow the change. It may be said that the company states that when the electrification of its lines in the vicinity of New York is completed a readjustment of passenger fares in the "electric zone" will be made.

After consideration of this complaint this Board does not believe that it would now be justified in recommending that the passenger fares from Van Cortlandt to One Hundred and Fifty-fifth street be reduced. The complaint is, therefore, dismissed. (Case No. 3539.)

LXIII.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF ALDERMEN OF NEW YORK CITY AGAINST THE INTERBOROUGH RAPID TRANSIT COMPANY, AS TO DRIP-PANS ON THE ELEVATED RAILROAD STRUCTURE OVER CROSSWALKS OF THE SOUTHERN BOULEVARD AND WESTCHESTER AVENUE, IN THE BOROUGH OF THE BRONX, NEW YORK CITY.

June 6, 1906.

This complaint, being preambles and resolution of the Board of Aldermen of New York city against the Interborough Rapid Transit Company, was filed with this Board on April 20, 1906. It alleged that the company should place drip-pans on the elevated railroad structure over crosswalks on the Southern boulevard and Westchester avenue, in the borough of the Bronx, New York city. A copy of the complaint was sent to the company, which answered that the structure in question, being a part of the subway system, is owned by the city of New York, and that the subject-matter pertained directly to the Board of Rapid Transit Commissioners. A copy of this answer was sent to the city clerk, who was also notified by this Board that the matter of the complaint was under the jurisdiction of the Rapid Transit Commission. The case was closed. (Case No. 3564.)

LXIV.

IN THE MATTER OF THE COMPLAINT OF MRS. WILLIAM LASHER AGAINST THE ULSTER AND DELAWARE RAILROAD COMPANY, AS TO HEIGHT OF STEPS ON PASSENGER CARS.

June 19, 1906.

This complaint, by Mrs. William Lasher, of Browns Station, against the Ulster and Delaware Railroad Company, was filed with this Board on May 1, 1906. It complained that the steps on passenger cars of the company were too high. A copy of the complaint was sent to the company, which answered. A report in the matter was made by an inspector of this Board, and this Board recommended to the company that it equip its passenger cars with

stepping-boxes and instruct trainmen to put them in use. The company complied with this recommendation and the case was closed. Case No. 3570.)

LXV.

IN THE MATTER OF THE COMPLAINT OF JUDSON G. WALL AGAINST THE NEW YORK CITY RAILWAY COMPANY AS TO THE ISSUE OF CERTAIN NOTES.

Determination. June 19, 1906.

As the result of its investigation, the Board has ascertained the following facts:

When the New York City Railway Company (then called the Interurban Street Railway Company) became the lessee of the street railway system of the Metropolitan Street Railroad Company, all of its capital stock, which was then of a par value of \$500,000, was owned by the Metropolitan Securities Company, a corporation organized for the purpose of financing the Interurban-Metropolitan lease. The capital stock of the New York City Company was then increased to \$20,000,000 and the Metropolitan Securities Company subscribed for \$12,500,000 of its capital stock and \$15,000,000 par value of three per cent. ten-year notes, the Metropolitan Securities Company agreeing to pay for such stock and notes \$23,000,000; the subscription to stock was at par, the subscription price of the notes was seventy. Under said contract the Metropolitan Securities Company had, down to June 30, 1905, paid on account of said notes \$6,988,800 to the New York City Railway Company, receiving therefor \$9,984,000 par value of its three per cent. ten-year notes. Most of these notes were redeemed not long after they were issued.

The Board was unable to ascertain from any of the witnesses the reasons why the interest rate upon the notes of the New York City Company was three per cent., or why the notes were issued at seventy. Mr. Vreeland, the president of the company, testified that he did not personally take part in negotiating the financial terms of the arrangement. Mr. Ludlam, the comptroller of the company, testified that he was not an officer of the company at the time of the transaction in question.

The fact that these notes carried interest at three per cent., and were subscribed for at seventy appeared, however, in the papers which were submitted to the stockholders of the Metropolitan Street Railway Company at the meeting at which the Interurban-Metropolitan lease and the other transactions connected therewith were authorized. It did not, however, appear in these papers that the notes were by their terms redeemable at par. According to the testimony of the witnesses, a reason for redeeming these notes was that the officers of the company deemed it unnecessary that the New York City Company should have them outstanding when it had in its treasury sufficient funds to retire them.

While the Board was unable to find any reason for the New York City Company issuing three per cent. notes at seventy and redeeming them so soon after their issue at par, we know of no law which was violated by this transaction. The Metropolitan Securities Company owned all the stock and all the notes of the New York City Company, and the redemption of the notes of the New York City Company which it held resulted in no particular difference to the stockholders of the Metropolitan Securities Company. The public misapprehension resulting from the transaction with regard to the notes of the New York City Railway Company emphasizes the need of remedial legislation which shall require railroad companies to report to this Board the terms and character of subscriptions to new issues of stock and long-time obligations. (Case No. 3520.)

LXVI.

IN THE MATTER OF THE COMPLAINT OF EDWARD C. BUCHENAU AND G. M. CARNOCHAN AGAINST THE ERIE RAILROAD COMPANY AS TO TRAIN SERVICE ON THE NANUET AND NEW CITY BRANCH.

June 19, 1906.

This complaint, as to lack of early morning train service on the branch of the Erie Railroad running from Nanuet to New City, was remedied in 1905 (see p. 25, 1st vol., R. R. Com. Report, 1905), but in 1906 further complaint in the matter was made, G. M. Carnochan being the additional complainant. After a hearing in the matter the Board recommended to the Erie Railroad Company that it operate a passenger train daily except Sundays, leaving New City for New York, about 6:20 a. m., arriving in New York about 8:07 a. m. The company complied with this recommendation, and the case was again closed. (Case No. 3342.)

LXVII.

IN THE MATTER OF THE COMPLAINT BY GEORGE D. BEDELL AGAINST THE CENTRAL NEW ENGLAND RAILWAY COMPANY, AS TO THE CONDITION OF ITS FENCE ALONG HIS FARM.

July 2, 1906.

This complaint, by George D. Bedell, of Clinton Corners, against the Central New England Railroad Company, was filed with this Board on May 14, 1906. It alleged that the fence of the company along complainant's farm was not in good condition. A copy of the complaint was sent to the company, which answered that the fence in question would be repaired, which was done, and the case was closed. (Case No. 3378.)

LXVIII.

IN THE MATTER OF THE COMPLAINT OF H. P. RUSSELL, OF PINE HILL, ULSTER COUNTY, AGAINST THE NATIONAL EXPRESS COMPANY.

July 2, 1906.

This complaint, by H. P. Russell, of Pine Hill, Ulster county, against the National Express Company, was filed with this Board on May 18, 1906. It alleged that the company had raised rates on small packages at that point, and that it did not deliver packages from its office to the residence or business place of the consignee. A copy of the complaint was sent to the company, which answered as follows: " * * * We do but very little business at Pine Hill, N. Y., except during the months of June, July, August and September, during which time we have a free delivery of express matter. The other months of the year, the total earnings on business received at that point varies from \$91 to \$56 per month, and you, of course, will appreciate the fact that this small amount of business will not warrant our maintaining an exclusive outfit at that point. Our arrangement is with the railroad agent the same as at similar points throughout the United States. * * * " A copy of this answer was sent to complainant, who replied, and after further correspondence with complainant he was informed "that after consideration of your complaint and the answer of the company (a copy of which you have received) this Board has determined not to proceed further in the matter, and the case is therefore closed." Subsequently further letters were received from complainant. The case, however, was not re-opened. (Case No. 3584.)

LXIX.

IN THE MATTER OF THE COMPLAINT OF MALCOLM STUART, OF NEW YORK CITY,
AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY,
AS TO OVERCROWDING OF TRAINS.

July 2, 1906.

This complaint, by Malcolm Stuart, of New York city, against the New York Central and Hudson River Railroad Company, was filed with this Board on May 19, 1906. It is as follows: " * * * Several days each week I have cause to travel on train No. 122, leaving High Bridge about 5:40 p. m., and nearly every day I find the train dangerously overcrowded, so that passengers are compelled to stand on the platforms for want of space in the cars. The train should carry at least one more car, and sometimes two more." A copy of the complaint was sent to the company, which answered as follows: " * * * We made a careful investigation of this complaint, and found the overcrowding was by reason of a number of workmen boarding that train. It was more or less of a temporary arrangement. We have corrected the trouble by putting on a special train to accommodate laborers, running it in ahead of the regular train; and we believe there will be no further cause for complaint. * * *." A copy of this answer was sent to complainant, who replied, and the case was closed. (Case No. 3586.)

LXX.

IN THE MATTER OF THE COMPLAINT OF B. L. BROWN AGAINST THE DELAWARE
AND HUDSON COMPANY, AS TO RATE ON HARD COAL.

July 2, 1906.

This complaint, by B. L. Brown, of Moriah, against The Delaware and Hudson Company, was filed with this Board on May 29, 1906. Previous correspondence had been had with complainant. It was to the effect that the company had quoted complainant a rate of \$1.60 a net ton on hard coal from Whitehall to Port Henry, and alleged that this rate was exorbitant. A copy of the complaint was sent to the company, which answered as follows: "I am in receipt of your communication of May 29th with letters of B. L. Brown attached. You state the Board treats these letters of Mr. Brown as a complaint, and an answer to such complaint is requested. We do not think this apparent complaint of Mr. Brown is in good faith. We greatly doubt if he has, or expects to have, a carload of coal to ship over our road from Whitehall to Port Henry. When Mr. Brown tenders us a carload of coal at Whitehall we will transport it for him to Port Henry at the same terms we transport other like commodities for other persons. If we exact from him then what we have no right to exact, we can properly be called to account for it. No such situation is disclosed by his letters. The rate stated in his letter is that for sixth class freight between the points named. It is the same as is charged for all freight in that class between those points. In quoting that rate our agent did what he would have done had some one else other than Mr. Brown made the inquiry, or had it related to some other commodity than coal coming within the classification already stated. We carry coal over our road to Port Henry which comes from our mines in Pennsylvania. The instances of shipments of other coal than our own over our road north of Whitehall are rare. The coal of other companies goes there chiefly by water. It is singular that just now Mr. Brown finds it necessary to have a carload of coal other than D. & H. coal shipped by our road from Whitehall to Port Henry. If coal can be brought to Whitehall by water, it can be brought to Port Henry in the same way, rail transportation not

being more necessary in the one case than in the other. We are required to receive freight, coal or other commodity tendered by Mr. Brown and transport it over our line. He is required to pay the rate of freight we exact. If we exact no more from him than another shipper, he has no cause for complaint on the ground of discrimination. If it is claimed the rate of freight exacted by us is unreasonable, that may be inquired into, but we respectfully submit no such inquiry can be made until a real case is presented." A copy of this answer was sent to complainant, who did not reply, and the case was closed. (Case No. 3593.)

LXXI.

IN THE MATTER OF THE COMPLAINT OF E. L. COTTELL AGAINST THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY, AS TO PASSENGER TICKETS.

July 2, 1906.

This complaint, by E. L. Cottell, of Staten Island, against the Staten Island Rapid Transit Railway Company, was filed with this Board on May 24, 1906. It alleged that on May 23d complainant had applied at the Dongan Hills station of said company for an excursion ticket from Dongan Hills to Perth Amboy, N. J., and was informed that only single fare tickets were on sale; he was compelled to pay seventy cents for the round trip as against fifty cents, the price of the excursion fare. Although this was interstate commerce, a copy of the complaint was sent to the company. After correspondence with the company the cause of complaint was removed. The case was closed. (Case No. 3588.)

LXXII.

IN THE MATTER OF THE COMPLAINT OF THE VILLAGE OF WATERFORD AGAINST THE UNITED TRACTION COMPANY.

July 2, 1906.

This complaint, by the Village of Waterford against the United Traction Company, was filed with this Board on May 17, 1906. It asked that the company be compelled to connect its tracks on Saratoga avenue, in said village, and resume the operation of its line through that avenue. A copy of the complaint was sent to the company, which answered that operation had been suspended because in connection with the barge canal work Saratoga avenue had been excavated and a bridge erected, which the answer alleged was not sufficiently strong to carry the cars of the company. After correspondence and a hearing in the matter before this Board and after the bridge had been strengthened the company resumed operation of cars through Saratoga avenue, using the bridge. The case was closed. (Case No. 3538.)

LXXIII.

IN THE MATTER OF THE COMPLAINT OF E. H. WEBER AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY, AS TO OPERATION OF CARS ON THE BROOKLYN BRIDGE AND ON THE BERGEN STREET LINE AND BRIGHTON BEACH LINE.

July 2, 1906.

This complaint, by E. H. Weber, of Brooklyn, against the Brooklyn Heights Railroad Company was filed with this Board on January 20, 1906. It alleged

inadequate accommodation of the public in the operation of cars of the company on the Brooklyn Bridge and on the Bergen street and Brighton Beach lines. A copy of the complaint was sent to the company, which answered as follows: " * * * We understand that the reference to the 'Bridge' is to the Brooklyn Bridge. It is a fact that between 5:30 and 6:15 p. m. the capacity of the bridge is taxed to the utmost. To meet this condition we put into commission, every surface and elevated car that can be properly cared for. We are sparing neither pains nor expense to meet the conditions which exist. The station on our Brighton Beach line most accessible to the residence of Mr. Weber on Bergen street is Dean street. Between 7:57 and 8:56 a. m. we have five car trains passing Dean street station and bound to the bridge, as follows: 7:57, 8:05, 8:12, 8:18, 8:24, 8:30, 8:37, 8:45, 8:56. This, you will note, is about a six and one-half minute interval, which is fifteen per cent. more service than was operated on this line a year ago. Added to this increase in the number of trains, the carrying capacity of cars has been increased by assignment to this line of our new elevated motor car equipment—the 1300 series. This type of car has eighteen per cent. greater seating capacity than have motor cars of the type formerly operated on this line. As bearing on the service given on the Bergen street surface line, I submit for the consideration of the Board, passenger counts taken on January 25 and 26, 1906:

Westbound, at Bergen Street and Rogers Avenue—January 25, 1906.

Time.	Cars.	Average Pass.	Average Reg.
7:00—7:15 a. m.	5	23	23
7:15—7:30 a. m.	6	27	28
7:30—7:45 a. m.	6	22	23
7:45—8:00 a. m.	5	29	35
8:00—8:15 a. m.	6	32	32
8:15—8:30 a. m.	6	32	35
8:30—8:45 a. m.	5	30	30
8:45—9:00 a. m.	6	18	18

Westbound, at Boerum Place and Atlantic Avenue—January 26, 1906.

Time.	Cars.	Average Pass.	Average Reg.
7:00—7:15 a. m.	7	30	44
7:15—7:30 a. m.	5	47	59
7:30—7:45 a. m.	6	50	68
7:45—8:00 a. m.	7	34	56
8:00—8:15 a. m.	4	42	71
8:15—8:30 a. m.	7	48	62
8:30—8:45 a. m.	5	48	69
8:45—9:00 a. m.	6	38	51

"A two and a half-minute headway is maintained, and all cars are of the double-truck style, excepting a few single-truck cars operating to South Ferry."

A copy of this answer was sent to complainant, who replied. The case was closed. See general recommendations of this Board to this company under this title in this volume. (Case No. 3489.)

LXXIV.

IN THE MATTER OF THE OPERATION OF THE WEBSTER AVENUE LINE OF THE UNION RAILWAY OF NEW YORK CITY.

July 2, 1906.

The electrical expert of this Board reported, under date of June 22, 1906, as follows:

"In the matter of an anonymous complaint against the Union Railway Company, in reference to operation of its Mount Vernon line via Webster avenue, a check of this service was made at One Hundred and Sixty-first street and Melrose avenue June 21, 1906, between the hours of 7 and 9 p. m., the time mentioned in the complaint. Melrose avenue and One Hundred and Sixty-first street is a transfer point between the Mount Vernon (Webster avenue) and the One Hundred and Sixty-first street and Third avenue cross-town line.

"Following is a copy of the record of the investigation:

Time.	Car No.	Vacant.	Standing.	Seated.
7:00 p. m.	56	.....	6	.....
7:15 p. m.	586	.....	15	.....
7:20 p. m.	624	.....	10	.....
7:30 p. m.	622	.....	.....	.....
7:40 p. m.	577	.....	2	.....
7:50 p. m.	562	.....	.....	.....
7:59 p. m.	585	.....	.....	.....
8:10 p. m.	57	.....	5	.....
8:20 p. m.	581	.....	.....	.....
8:36 p. m.	575	.....	5	.....
8:40 p. m. ....	.....	.....	.....	.....
8:45 p. m.	583	.....	.....	.....
9:03 p. m.	574	.....	.....	.....

"As will be seen above, the headways are irregular. The scheduled headway is ten minutes. The above record shows that there is some overloading between the hours mentioned, but considering the necessities of other lines, and the shortage of cars on this company's system, no recommendation is made to increase this service." (Case No. 3610.)

LXXV.

IN THE MATTER OF THE COMPLAINT OF TOBEY & KIRK AGAINST THE BROADWAY AND SEVENTH AVENUE RAILROAD COMPANY, OF NEW YORK CITY.

July 2, 1906.

This complaint, by Tobey & Kirk, of New York city, against the Broadway and Seventh Avenue Railroad Company of that city, was filed with this Board on April 21, 1906. It alleged that the bondholders, under a first mortgage of said company, had been paid off when said first mortgage became due, to wit, in 1904; but that "the mortgage, we understand, has not been cancelled, and is being held in the 'investment account' of the Metropolitan Street Railway Company. We simply write to know whether this can be legally done in justice to the second mortgage bondholders * * *." The opinion of the Attorney-General in the matter was asked, who replied, by deputy in charge, that "I am informed the facts are different from those that Tobey & Kirk stated them to be, it being claimed that the bonds were never paid off,

but, on the contrary, were purchased of the owners by the Metropolitan Street Railway Company, or some affiliated corporation, and are held at a past-due obligation of the Seventh Avenue Railroad Company." The Board communicated with the Broadway and Seventh Avenue Railroad Company on the subject, which answered that, " * * * The entire issue of first mortgage bonds of the Broadway and Seventh Avenue Railroad Company, amounting to \$1,500,000 have been deposited with and are held by the Morton Trust Company, as trustee, under the mortgage and deed of trust of Metropolitan Street Railway Company dated March 21, 1902, securing its issue of 4 per cent. refunding one hundred year gold mortgage bonds, and refunding bonds have been issued by the latter company against such deposit. These bonds are stamped 'Not Negotiable. Held in trust for the purposes declared in the Refunding Mortgage of Metropolitan Street Railway Company dated March 21, 1902,' and are held by the trustee as purchaser, as additional security for the payment of the refunding bonds. The mortgage securing said refunding bonds expressly provides, that except under certain specified conditions, the old bonds so held shall not be cancelled by the trustee. The second mortgage bonds of the Broadway and Seventh Avenue Railroad Company are due July 1, 1914, and the mortgage securing said refunding bonds of the Metropolitan Street Railway Company provides that refunding bonds shall be reserved for the purpose of retiring said second mortgage bonds of the Broadway and Seventh Avenue Railroad Company, either before or at the maturity thereof." A copy of this answer was sent to complainants, who replied, and the case was closed. (Case No. 3574.)

LXXVI.

IN THE MATTER OF THE COMPLAINT OF THE WOODLAWN TAXPAYERS' ASSOCIATION AGAINST THE UNION RAILWAY COMPANY, OF NEW YORK CITY.

July 2, 1906.

This complaint, by the Woodlawn Taxpayers' Association, borough of the Bronx, New York city, against the Union Railway Company, was filed with this Board on October 13, 1905. It alleged that passengers from West Mount Vernon were compelled to change cars at a point where the Bronx Park station of the elevated railroad is located, and that passengers from Yonkers were compelled to change cars at a point where the Pelham avenue station of the elevated railroad is located, in the borough of the Bronx, New York city. A copy of the complaint was sent to the company, which answered. After further correspondence with complainants, reports in the matter were made by an inspector of the Board. This case was closed, as the matters complained of were involved in other complaints against the company, recommendations in which will be found under this title in this volume. (Case No. 3434.)

LXXVII.

IN THE MATTER OF COMPLAINTS OF THE COMMITTEE OF ONE HUNDRED, APPOINTED BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN, NEW YORK CITY, AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY.

July 2, 1906.

Complaints by the Committee of One Hundred, appointed by the president of the borough of Brooklyn, New York city, against the Brooklyn Heights Railroad Company, were filed with this Board on March 26 and April 11, 1906. They refer generally to the service rendered the public by this company, and particularly to transfers. In relation to one phase of the complaints, the

electrical expert of this Board reported as follows: " * * * Plans are at present being considered for the rearrangement of the surface and elevated tracks on the Brooklyn approach and at the New York terminal of the Brooklyn bridge. In a conference with Mr. Wall it was thought advisable that action on the subject of additional transfers suggested by him be deferred until the proposed track changes were made, and that no further action was required by the Board at this time."

In relation to another phase of the complaints the electrical expert of this Board reported as follows: "Several conferences have recently been held by representatives of Borough President Coler's Committee of One Hundred, an engineer from President Coler's office, representatives of the commissioner of bridges of New York city, and your representative. These conferences have been held with a view of adopting some plan for increasing the number of cars and trains which are now operated over the Brooklyn bridge; also with a view of operating through elevated trains over this bridge during the rush hours, doing away with the delay and inconvenience caused by the present transfer at the Brooklyn end of the bridge. Practical plans to accomplish the above results are at present under consideration, and it is expected that one will be adopted in the near future. Material relief for the congested condition of the surface car traffic during the rush hours to and from the bridge could be afforded by the connection of the tracks in Fulton street with the tracks in Washington street at or near Tillary street. The above connection has been previously recommended by the Board of Railroad Commissioners. It can and should be made. For this reason the following recommendation is made:

"Recommendation.

"That the Brooklyn Heights Railroad Company be required within ten days from this date to show cause why they should not immediately comply with the Board's recommendation to connect the tracks in Fulton street with the tracks in Washington street, at or near Tillary street."

The recommendation in this report was made the recommendation of this Board, was transmitted to the company, and a hearing given thereon before this Board in New York on May 23d, the company having in the meantime answered that it did not feel justified in complying with the recommendation because of onerous conditions sought to be imposed by the city for the franchise for the track connection in question. After the hearing this matter was held open pending an application by the company for a ten-year franchise for this track connection.

In relation to another phase of the complaints the electrical expert of this Board reported as follows:

"In the matter of the suggestions of J. J. Humphreys, Jr., secretary of Subcommittee on Rapid Transit of the Hon. Bird S. Coler's Advisory Committee of One Hundred, in reference to operation of the Brooklyn Heights Railroad Company, I submit the following:

"*Fulton Street surface line.*—We recommend that to each one car turning off from Fulton street to Reid avenue, there be run three through cars for East New York to accommodate the crowds. The company are turning back a portion of the Fulton street cars at Reid avenue. This method of operation is proper, furnishing facilities for the larger number of patrons of this line between Reid avenue and the bridge. The facilities necessary to accommodate the people beyond Reid avenue vary with the weather, the day of the week, and other conditions. An inspection made of the service and the traffic beyond Reid avenue, developed the fact that there is not at present a sufficient number of cars run through between the hours of 5 and 6 p. m.

"*Union Street surface line.*—Ask for a system of transfers from Union street to Court street. Run some of the Union street cars to Hamilton ferry. More cars wanted on Union street line.

"The Union and Court street lines both serve practically the same territory, the Union street line starting from Ninth avenue and Twentieth street, and the Court street line passing the same point. Continuing trip tickets are

given between these lines at the Ninth avenue depot. A transfer between these lines would not accommodate any large number of the patrons of them. Most of the people in the territory tributary to Union street can now transfer south by the Ninth, Seventh, and Fifth avenue lines.

"In reference to the request to run some of the Union street cars to Hamilton ferry, the ferry service is now taken care of by the Marcy avenue line. Experience has proven that increased car facilities will not induce passengers who are now using the bridges to patronize the ferries. If the headway on Union street was split and the operation of cars diverted to the Hamilton ferry, it would be to the detriment of the majority of the patrons of this line.

"As to the request for more cars on the Union street line, the company have recently increased the service, and this month it will be still further increased by through service to Coney Island.

"*Marcy Avenue surface line.*—Need more and better cars.

"The statement in reference to this line is proper. There should be more and better cars run on it. Within a week from this date all of the single-truck closed cars will be taken off this line and replaced by double-truck closed or single-truck open cars. The open cars on this line will seat fifty people, nearly doubling the seating capacity, as compared with the present closed cars.

"*St. John's place line.*—Many letters have been received about the irregularity and insufficiency of the service on this line.

"This is a new line on which travel has greatly increased since it was opened, to accommodate which, April 17th, a new time table was put in effect, increasing the service by sixteen trips daily.

"*Fulton Street elevated line.*—Run express or short-line cars to Eastern Parkway pocket, instead of Ralph Avenue pocket, as at present. Put one additional stairway each at Rockaway avenue and Eastern parkway, as during the morning rush hour there is a waiting line half a block long.

"The company are at present operating a local service between Ralph avenue and the bridge, and express beyond Ralph avenue. The company's records of passengers carried on these different trains show that the dividing point is properly established at Ralph avenue, and the change suggested would be to the detriment of the patrons of this line west of Ralph avenue.

"In the matter of the additional stairway at Eastern parkway, the stairway facilities at present are not sufficient to properly accommodate the travel at this station. The company have recently secured a railroad running from this station to Canarsie. Arrangements are now being made to connect this line with the elevated near Eastern parkway. When this is done, a rearrangement of stations will be made.

"In reference to the additional stairway suggested at Rockaway avenue, a check of the number of people taking the trains at this station was made April 26, 1906, from 6 to 8:30 a. m. It was found that 1,946 persons went up the stairway during that period. At no time was there any inconvenience caused by congestion on the stairs.

"*Fifth Avenue elevated line.*—Build third track for express service during rush hours to Sixty-fifth street. During the evening rush hours start some trains from City hall station to handle the Brooklyn downtown passengers, who now have to crowd into the already full cars from New York. Connect the Flatbush avenue station on the Fulton street line with the Fulton street station of the Fifth avenue line to enable passengers to be transferred from these two lines. Put up an additional stairway to this station, and remove news-stands and other incumbrances to make room for the crowd. Change the schedule at Thirty-sixth street so that northbound Bay Ridge trains connect with southbound West end trains, and northbound West end trains connect with southbound Fifth avenue trains. At Thirty-seventh street and Fifth avenue there is a leaky drip-pan which is complained of.

"The suggestion to build a third track for express service during the rush hours to Sixty-fifth street is a good one. The construction of a third track on the elevated railroads in Brooklyn, to be used for express service, would materially increase the traffic facilities, and the Board of Railroad Commissioners have recommended such construction. The company have informed

the Board that they were unable to comply with the recommendation on account of injunctions, and for other reasons.

"The suggestion to start some trains from the City hall station during the evening rush hours, to handle Brooklyn passengers, is one which has received a great deal of consideration by this Board, and through its efforts a number of trains during the evening rush hours are now started from Fulton ferry light, to furnish accommodations for Brooklyn people. It is not practical, with the present track layout and the number of trains operated in each direction at City hall during the evening rush hours, to carry out the suggestion of turning trains at this point. If the proposed changes on the Brooklyn approach, and at the New York terminal of the Brooklyn bridge, are completed, it will then be possible to arrange a local service on the Fifth avenue line as suggested.

"In the matter of connecting the Flatbush avenue station on Fulton street with the Fulton street station of the Fifth avenue line, the company have under consideration a plan for practically carrying out this suggestion, but it is contingent upon the adoption of the plan for the changes mentioned at the Brooklyn bridge. For this reason, no suggestion is made for the immediate connection of these two stations. For the same reason no suggestion is made in reference to additional stairways at this station.

"It is impracticable to comply with the suggestion that the schedule be changed so that northbound Bay Ridge trains will connect with southbound West end trains, and northbound West end trains connect with southbound Fifth avenue trains at the Thirty-sixth street station, for the reason that the requirements of the different sections through which these trains run necessitate different headways on each line.

"The leaky drip-pan on the Fifth avenue line at Thirty-seventh street has been repaired.

"*General.*—Erect ornamental canopy shelters at all car-line intersections. Give a universal continuing transfer to any intersecting line. Lengthen bridge platforms to allow the unloading of six-car trains, and run all elevated Brooklyn trains through over the Brooklyn bridge during rush hours, as well as through the day.

"The request for ornamental canopy shelters at all car-line intersections is of too general a character for the Board of Railroad Commissioners to take action upon.

"In the matter of a universal continuing transfer to any intersecting line, this subject was discussed with Mr. Wall, and it was decided that this matter be held in abeyance pending the changes in service which might be brought about by the contemplated improvements on the Brooklyn bridge.

"The suggestion to lengthen bridge platforms to allow of the unloading of six-car trains, and to run all elevated Brooklyn trains through over the Brooklyn bridge during the rush hours, is one which will be accomplished if the changes under consideration for the improvement of the Brooklyn bridge terminal are adopted.

"As a result of the investigation of these different suggestions, the following recommendation is made.

"Recommendation.

"That the headway of cars on the Fulton street line beyond Reid avenue be reduced from four and one-half minutes to two minutes between 5 and 6:05 p. m. on week days."

The recommendation in this report was made the recommendation of this Board to the company and the company informed the Board that the recommendation had been complied with. The case was closed. (Case No. 3546.)

LXXVIII.

IN THE MATTER OF THE COMPLAINT OF ARTHUR C. FERGUSON AGAINST THE TROY AND NEW ENGLAND RAILWAY COMPANY AS TO THE PHYSICAL CONDITION OF ITS RAILWAY.

July 2, 1906.

(In this matter, see p. 34, 1st vol. R. R. Com. Report, 1905.) Several reports were made during the year and recommendations as to the physical condition of this railroad were made to the company. (Case No. 2886.)

LXXIX.

IN THE MATTER OF THE COMPLAINT OF JOHN R. ZWICKY, AND OTHERS, OF STATEN ISLAND AGAINST THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY, THE STATEN ISLAND MIDLAND RAILROAD COMPANY, AND THE RICHMOND LIGHT AND RAILROAD COMPANY.

Determination. July 16, 1906.

This Board has on three occasions made recommendations in this matter, viz., March 21, 1906, April 18, 1906, and July 3, 1906. The recommendations of April 18 are as follows:

"After consideration of this matter and from the investigation this Board deems that the experiment at least should be made of furnishing additional railroad service after 1 a. m. This Board, therefore, in order to promote the convenience and accommodation of the public, hereby recommends to the Staten Island Rapid Transit Railway Company that, beginning on the 1st of May next and for a period of two months from said date, said company shall operate daily on its north shore lines passenger trains leaving St. George shortly after the arrival of the ferry boat due to leave New York at 2:15 a. m.

"This Board hereby recommends to the Staten Island Midland Railroad Company and to the Richmond Light and Railroad Company that, in order to promote the convenience and accommodation of the public, beginning on the 1st of May next and for a period of two months from said date, said companies shall operate cars leaving St. George daily for New Dorp, South Beach and Port Richmond, shortly after the arrival of the ferry boat due to leave New York at 2:15 a. m.

"At the expiration of the two months if this Board deems that further action in this matter should be taken by it such action will be taken."

The companies complied with the recommendations of April 18 for the two months which ended on July 1. On July 3 this Board notified the companies that the recommendations of April 18 were continued until further notice from this Board. Under date of July 11 the Staten Island Rapid Transit Railway Company informed the Board that: "I regret that we do not feel justified in continuing a service which has been proved unprofitable after it has been given a reasonable trial." Under date of July 8, the Richmond Light and Railroad Company informed the Board that: "As to commencing again and continuing the arrangement, I am unable to furnish any information in the absence of instructions from the president and board of directors, as they had no doubt but that the operation for the period requested would demonstrate to your satisfaction the loss the company would sustain, and the extremely small number of persons, some of whom are not tax-payers, who would be inconvenienced by this arrangement, at the expense of the company, which you know by the reports has always shown a deficit." and the Staten Island Midland Railroad Company informed this Board to the same effect.

Since the recommendations of April 18, 1906, the time of the ferry boat leaving New York has been changed from 2:15 to 3 p. m., so that it now leaves New York at 2 a. m., and is due to arrive at St. George at 2:30 a. m.

After further consideration of this matter and from its investigation thereof, this Board believes that the trains and cars referred to in its determination of April 18 should be operated permanently to meet this ferry boat late at night. This Board, therefore, in order to promote the convenience and accommodation of the public, hereby recommends to the Staten Island Rapid Transit Railway Company that, said company operate daily on its north shore line a passenger train leaving St. George shortly after the arrival of the ferry boat due to leave New York at 2 a. m.,—this recommendation to apply to any change of time of this particular ferry boat. This Board hereby recommends to the Staten Island Midland Railroad Company and to the Richmond Light and Railroad Company that, in order to promote the convenience and accommodation of the public, said companies shall operate cars leaving St. George daily for New Dorp, South Beach and Port Richmond, shortly after the arrival of the ferry boat due to leave New York at 2 a. m.,—this recommendation to apply to any change of time of this particular ferry boat.

Under date of August 2, 1906, the inspector of the Board reported that these recommendations were being complied with. Subsequently the complainants informed the Board to the same effect. Since then no further complaint in this matter had been received. We do not print here any of the orders except that of July 16, as this order sets forth the various steps which the Board took in this matter. (Case No. 3457.)

LXXX.

IN THE MATTER OF THE COMPLAINT OF A. J. THROOP AGAINST THE ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY AS TO PASSENGER FARE.

July 30, 1906.

This complaint, by A. J. Throop of Port Gibson, Ontario county, against the Rochester, Syracuse and Eastern Railroad Company, was filed with this Board on July 19, 1906. Its main contention was that a fare of fifteen cents was charged from Palmyra to Port Gibson, a distance of less than five miles. A copy of the complaint was sent to the company, which answered that the ticket fare between Palmyra and Port Gibson is ten cents, but that an extra fare of five cents is charged when cash fare is paid upon the cars. A copy of this answer was sent to complainant, who replied that tickets were not on sale at Port Gibson, so that people for that reason were compelled to pay the fifteen cent fare. After further correspondence the complainant notified the Board that tickets at the ten cent rate had been placed on sale at Port Gibson, and the case was closed. (Case No. 3656.)

LXXXI.

IN THE MATTER OF THE COMPLAINT OF H. BARNUM, OF BINGHAMTON, AGAINST THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY AND THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (R., W. & O. DIVISION) AS TO NON-CONNECTION OF PASSENGER TRAINS AT SYRACUSE.

July 30, 1906.

This complaint, by H. Barnum, of Binghamton, against the Delaware, Lackawanna and Western Railroad Company and the New York Central and Hudson River Railroad Company (Rome, Watertown and Ogdensburg

division), was filed with this Board on July 7, 1906. It alleged non-connection of a passenger train of the New York Central and Hudson River Railroad from the R., W. & O. division, which reaches Syracuse about 12:5 noon, with a passenger train of the Delaware, Lackawanna and Western Railroad which leaves Syracuse at 12 noon. Copies of the complaint were sent to the companies. The first-named company answered: "Replying to your favor of the 9th instant and returning copy of complaint from Mr. Barnum, Binghamton, N. Y., of non-connection of New York Central train from Clayton, arriving at Syracuse 12:5 p. m., with our 906, scheduled to leave that point at 12 o'clock noon, No. 906 connects at Binghamton with our limited through train from the West. The time of No. 906 is as fast as we can make it."

A copy of this answer was sent to complainant, who did not reply. The second-named company answered: "This matter has been looked into very carefully, and I do not see how it would be possible for us to arrive at Syracuse any earlier with this train. It is a summer train only, and put on exclusively to take care of Thousand Island business. It leaves Clayton at 9 a. m. with a close connection with the boat from Alexandria Bay, leaving the Bay at 7:15 a. m., which is believed to be quite as early as would admit of passengers getting their breakfast before leaving the Bay. The schedule time is already quite fast, considering that the train is run over a single track, having several trains to meet and pass, and without the boat people changing their time to leave Alexandria Bay earlier it would be simply out of the question for us to arrive at Syracuse sufficiently in advance of the present time to admit of connection being made with the D., L. & W. train leaving there at 12 noon; and I regret, therefore, that there is nothing we can do to bring about the connection referred to." A copy of this answer was sent to complainant, who did not reply. The case was closed. (Case No. 3638.)

LXXXII.

IN THE MATTER OF THE COMPLAINT OF J. F. LINES AGAINST THE ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY AS TO PASSENGER FARE PAID FROM THE PORT GIBSON STATION.

July 30, 1906.

This complaint, by J. F. Lines, of Palmyra, in behalf of residents of Port Gibson, against the Rochester, Syracuse and Eastern Railroad Company, was filed with this Board on July 25, 1906. It alleged failure of the company to provide tickets for passengers to and from its Port Gibson station. The matter complained of was remedied in the A. J. Throop complaint referred to above. The complainant informed the Board that "since the receipt of your communication the company has furnished tickets for that station and tickets can also be obtained at the other villages for that point so that there is no further cause for complaint along that line." The case was closed. (Case No. 3661.)

LXXXIII.

IN THE MATTER OF THE COMPLAINT OF W. C. COLEMAN AGAINST THE LONG ISLAND RAILROAD COMPANY, IN RELATION TO DELIVERY OF FREIGHT AT ITS SETAUKET STATION.

July 30, 1906.

This complaint, by W. C. Coleman, against the Long Island Railroad Company, was filed with this Board on June 5, 1906. It alleged difficulty in the delivery of freight to complainant at the Setauket station of the company. A copy of the complaint was sent to the company, which answered, denying in detail that cause for complaint existed. A copy of the answer was sent to complainant, who replied, " * * * The Long Island Railroad have treated us so nicely of late that we have decided to drop our complaint against them * * * ." The case was closed. (Case No. 3599.)

LXXXIV.

IN THE MATTER OF THE COMPLAINT OF F. W. GARDNER AGAINST THE BOSTON AND MAINE RAILROAD AS TO FENCE AND WEEDS ON ITS RIGHT OF WAY.

August 1, 1906.

This complaint, by F. W. Gardner, of Hoosick Falls, against the Boston and Maine Railroad, was filed with this Board on June 25, 1906. It alleged that weeds on the right of way of the Boston and Maine Railroad adjoining complainant's farm should be cut. A copy of the complaint was sent to the company, which answered that the weeds had been cut. A copy of the answer was sent to the complainant. No reply was received from complainant. The case was closed. (Case No. 3625.)

LXXXV.

IN THE MATTER OF THE COMPLAINT OF THE CITIZENS' UNION, OF THE CITY OF NEW YORK, AGAINST THE NEW YORK CITY RAILWAY COMPANY, AS TO CONDITION OF CARS ON ITS TWENTY-EIGHTH AND TWENTY-NINTH STREETS LINE AND ON ITS BELT LINE.

August 1, 1906.

This complaint, by the Citizens' Union, of New York city, against the New York City Railway Company, was filed with this Board on June 13, 1906. It alleged that the cars of the company on its Twenty-eighth and Twenty-ninth Streets line, and on its Belt line, were in poor condition. A copy of the complaint was sent to the company, which answered. A copy of this answer was sent to complainant. A report in the matter was made by the electrical expert of this Board to the effect that the cars operated on the Belt line "are maintained in as good condition as possible, considering the streets through which they are run," and making recommendations as follows:

"(1) That all cars on the Twenty-eighth-Twenty-ninth Street line, in addition to being properly cleaned every night, be thoroughly disinfected each night.

"(2) That orders be issued to conductors and inspectors which will result in closer attention to the ventilation of cars.

"(3) That the lights in all cars be equipped with reflectors, and that all lights be kept in proper condition, with clean globes.

"(4) That the company make provisions for properly heating all cars during the winter of 1906-1907."

These recommendations were made the recommendations of this Board to the company, and the company notified the Board that they had been complied with. Complainant was so informed and expressed satisfaction. This Board on March 28th last recommended to this company that it change the motive power on the Twenty-eighth and Twenty-ninth Streets line to underground electricity. The company informed the Board that "the change of motive power on these lines will be proceeded with when the material can be secured for the work." (Case No. 3612.)

LXXXVI.

IN THE MATTER OF THE COMPLAINT OF W. ST. JOHN COMSTOCK AGAINST THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, AS TO TRAIN SERVICE TO AND FROM NEW ROCHELLE.

August 1, 1906.

This complaint, by W. St. John Comstock, of New Rochelle, against the New York, New Haven and Hartford Railroad Company, was filed with this Board on June 20, 1906. It alleged that there should be better train service on said company's railroad to and from New Rochelle to passengers coming from the east in the morning and going east in the evening. A copy of the complaint was sent to the company, which answered that it could not furnish the additional service asked for by complainant without discommoding passengers for other stations. A copy of the answer was sent to complainant, who replied. A report in the matter was made by an inspector of this Board. After consideration of the facts as developed by the correspondence and the inspector's report, complainant was notified that this Board had determined that it would not be justified in proceeding further in the matter and the case was closed. (Case No. 3618.)

LXXXVII.

IN THE MATTER OF TRAFFIC CONDITIONS IN THE BOROUGH OF THE BRONX, NEW YORK CITY.

Determination. August 24, 1906.

The Board of Railroad Commissioners, continuing their investigation of the traffic conditions in the borough of the Bronx, and supplementing previous reports upon this subject, submit:

Statistics of operation of the Union Railway Company for the three months ending June 30, 1906, show an increase in the cash fares of passengers carried on its lines of about 48 per cent. This is unprecedented and surprising.

While the company has from time to time in compliance with the recommendations of this Board, added to its car equipment and increased its service, no adequate provisions have been made for such an increase in its traffic in the future as indicated by the statistics of the three months mentioned. To keep pace with the probable increase in the future, material additions to the number of cars owned by the company must be made, additional tracks must be laid where necessary, and the present ones utilized to their fullest extent.

With the above object in view this Board has held conferences with the mayor of New York city, the borough president of the Bronx, the president of the Union Railway Company, and the contractor in charge of the sewer construction and grading of South Broadway, with a view of bringing about the

completion of this long-delayed work, which prevented the construction of tracks and operation of cars through that street. The result has been very gratifying to the Board, and the work has so far progressed that at a recent conference with the president of the Union Railway Company they received his assurance that cars would be operated from the city of Yonkers to Two Hundred and Thirtieth street not later than September 15, 1906. While this in itself is the accomplishment of a long-looked-for result, as through traffic on this street has been suspended by reason of the sewer and grading work on it for about seven years, the people of Yonkers and vicinity would not derive the full benefits of such operation without rapid transit connection at Two Hundred and Thirtieth street. The elevated structure at present does not extend across the Harlem river. The Board on inquiry learned that the extension of this structure to Two Hundred and Thirtieth street and the construction of a station at that point, might not be completed within a year. During this period the South Broadway surface line would not be utilized to its full capacity, as people would be obliged to walk from Two Hundred and Thirtieth street to the present subway station across the Harlem river.

The above condition was brought to the attention of Mr. Bryan, vice-president of the Interborough Rapid Transit Company, and the importance of the early operation of subway trains to and from the Two Hundred and Thirtieth street station explained to him, with the result that the Board is pleased to announce that they have his assurance that the structure will be completed to Two Hundred and Thirtieth street, a temporary station erected at that point, and trains in regular operation to and from that station not later than November 15th of this year.

We, therefore, have the assurance of the early completion of the physical conditions necessary for the operation of a direct, rapid and convenient means of transit between the city of Yonkers and Manhattan, except that the operation of cars over that portion of the route through the city of Yonkers from the junction of South Broadway and New Main street, through New Main street, on account of the width of the street and the congestion of traffic on it, would seriously interfere with free car movement.

The construction of double tracks through South Broadway from its junction with New Main street to Getty square would furnish a means for relieving the above-mentioned delay on traffic on this line.

We are informed by the president of the Union Railway Company that an application for a franchise for the construction of tracks through this portion of South Broadway was made to the common council of the city of Yonkers on April 5, 1906, and that no definite action has been taken by that body on said application to date.

Checks of the service furnished and the condition of travel on the different lines operated by the Union Railway Company have recently been made, and while it is understood that traffic conditions at this period of the year are not normal, it was found that in several instances material additions to the service were necessary at present to properly care for the traffic, especially during the rush hours.

One of the congested points where a check was made was at Bedford Park, where passengers transfer to and from the elevated trains. During the rush hours of the morning and evening there are three lines of cars operated to and from this point, namely, the Yonkers, West Mount Vernon, and Mount Vernon. The record of the check made shows that all of these cars are crowded during the hours mentioned. It also shows that while it may be possible to run a few more cars on these different lines, no material additions to the service, such as are required, can be made. It is estimated that about one-third of the cars operated to and from Bedford Park on Webster avenue are Yonkers cars. It is further estimated that with the opening of the South Broadway line with its subway connection at Two Hundred and Thirtieth street, as suggested above, that 90 per cent. of the Yonkers travel will be

carried over this line. This would relieve the congestion of travel on Webster avenue, so that proper additions to the service on the Mount Vernon and West Mount Vernon lines could be made.

Another point where serious overloading of cars was found, was on the Jerome avenue line to and from Central Bridge. The record of the check made at this point shows that cars arriving at Central Bridge were seriously overloaded between the hours of 7 and 8:30 a. m., and leaving that point between the hours of 5:30 and 6:30 p. m. More cars can and should be run on this line.

While the above two points are mentioned, it is not to be understood that there is not overloading of cars on other portions of this system. The check is being continued and reports on other portions of the system will be made later.

In compliance with the Board's recommendations in reference to the purchase of fifty (50) new cars, the company has received at this date thirty-three (33) of the cars ordered. Twenty-five (25) of these cars are now in daily use on the Warburton avenue, Mount Vernon, and Yonkers city lines, and on Sunday on the McLean avenue line. The remaining eight (8) cars which have been received are at present in the shops being equipped for service. This work will be completed within a few days. Seventeen (17) of the fifty (50) cars ordered will be received within a short time, as all are at present in transit.

In addition to the above the company has ordered twenty-five car bodies, delivery to begin October 15, 1906.

Upon the completion of the South Broadway line the company will have sufficient cars to properly operate that line in addition to the number of cars at present run.

With the new cars received, those in transit, and those ordered, the company will have an increase in the number of cars for next summer's operation of fifty, and will have fifty more closed cars for winter operation than were used during the past winter.

While the above will be a material addition to the number of cars owned by the company available for service, it is not sufficient to provide for the probable increase in traffic.

The company has or can secure sufficient power to properly operate all of the cars necessary for present and future requirements.

A serious defect in the proper operation of this railroad is lack of car barn and repair shop facilities. The company has not at present sufficient storage capacity for all of its cars, nor has it repair shop facilities to properly maintain its equipment.

In view of the present and prospective rapid increase in traffic on this company's system, the company should at this time make the necessary provisions for increasing its facilities for the next five years.

The physical conditions of this road, so far as track and roadbed are concerned, are nearly all first class. They have in operation a number of cars which are not suitable for the volume of traffic on the road.

With the above object in view, the following recommendations are made:

Recommendations.

1. That not later than sixty days from date the company place an order for fifty (50) new cars, large type, to be delivered as soon as possible.
2. That in addition, one hundred (100) new cars be purchased each year for the next four years.
3. That the company provide an additional car barn with sufficient capacity for the storage of all cars not in operation. Also, a new repair shop equipped with sufficient machinery and tools for the proper maintenance of all of the equipment of the system.
4. That the Union Railway Company advise this Board within thirty days from date as to its compliance with the above recommendations.

5. That the company immediately add four cars to its Jerome Avenue line during the morning and evening rush hours.

The company informed the Board that, "We have very carefully considered your recommendations regarding the service of this Company, which you have recently transmitted to us, and we beg to advise you that we have taken the following action in compliance therewith: In compliance with Recommendation No. 1, we are placing an order for fifty (50) large type cars to be delivered as soon as possible. In compliance with Recommendation No. 3, we have made arrangements for the use of an additional car barn and repair shop which are to be erected as speedily as possible at a point conveniently accessible to our lines. In compliance with Recommendation No. 5, we have placed four (4) additional cars upon our Jerome Avenue line during the morning and evening rush hours. The only remaining recommendation relates to new cars to be ordered next year and subsequent years. As that recommendation refers to the future it, of course, cannot be complied with now. We are, however, prepared to state generally that it will be our policy to annually make such additions to our equipment as the growth of our business and the needs of the public require. We shall be glad to confer with you from time to time with reference to the amount of additional equipment required for our service, and you will find us in the future, as in the past, ready to comply with all reasonable requirements." (Case No. 3692.)

LXXXVIII.

IN THE MATTER OF A VERBAL COMPLAINT AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS TO REVERSED OPERATION OF LOCOMOTIVE ENGINES ATTACHED TO TRAINS ON THE ATTICA BRANCH OF SAID COMPANY'S RAILROAD.

September 10, 1906.

At page 29, 1st vol., R. R. Com. Report 1905, will be found a statement of this complaint against the New York Central and Hudson River Railroad Company as to operating locomotives attached to passenger trains on the Attica branch of said company's railroad in reversed position, the allegation being that this operation was dangerous to the public. The Board communicated with the company on the subject, resulting in a statement from the company that such operation would cease. During 1906 the complaint was renewed, with the addition that the passenger cars on this branch were not properly heated. After correspondence with the company it informed the Board that " * * * Our local people in charge of this branch advise that the engines running these trains are invariably run head-on, unless it should be in the event of an accident, where they are unable to turn. We did have one case of this kind on July 21st, but as a rule the engine is turned at each end of the Branch." The case was again closed. (Case No. 3305.)

LXXXIX.

IN THE MATTER OF THE COMPLAINT OF J. WADSWORTH NORTON AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY IN RELATION TO SPEED OF TRAINS THROUGH NEW UTRECHT AVENUE, BROOKLYN.

September 10, 1906.

This complaint, by J. Wadsworth Norton, against the Brooklyn Heights Railroad Company, was filed with this Board on June 2, 1906. It alleged that the trains of the Brooklyn Heights Railroad Company were being operated through New Utrecht avenue, Brooklyn, at excessive rates of speed. The electrical expert of the Board reported, under date of June 14, 1906, as follows:

"In the matter of the complaint of J. Wadsworth Norton, President of the New Utrecht Avenue Property Owners' Association, against the Brooklyn Heights Railroad Company, in reference to rate of speed of the express trains on New Utrecht Avenue, I submit: A complaint of a similar nature was made by the President of the New Utrecht Avenue Property Owners' Association last year. This complaint was a matter of careful investigation and thorough discussion at that time, which resulted in the Board's making the following recommendation: 'That orders be issued and strictly enforced that the rate of speed of trains on the New Utrecht avenue between 54th and 62nd streets in either direction shall not exceed twelve miles per hour.' A check of the express service operated on New Utrecht avenue including the rate of speed, was made June 12th, between the hours of 2:07 and 4:27 p. m. A tabulated result of this test follows:

"To Coney Island:

From Coney Island:

Motor No.	Time	Seconds	M. p. h.	Motor No.	Time	Seconds	M. p. h.
	P. M.				P. M.		
1058	2:07	59	15.25	1033	2:14	55	16.36
1006	2:25	60	15.	1069	2:14	43	20.90
1043	2:41	59	15.25	1081	2:45	40	22.50
1001	2:54	58	15.51	....	2:59	41	21.94
1002	3:13	47	19.14	1071	3:12	43	20.92
1076	3:25	48	18.75	1110	3:29	50	18.
1081	3:41	56	16.07	1033	3:41	48	18.75
1006	3:54	55	16.36	1031	4:05	46	19.27
1043	4:10	57	15.78	1081	4:18	47	19.14
1001	4:27	45	19.99				

"The distance run was 1,320 feet.

"From the above it will be seen that the Company are not complying with the Board's recommendation of last year, and are operating trains on New Utrecht avenue between 54th and 62nd streets at speeds varying from 15 to 22.50 miles per hour. Flagmen are maintained on New Utrecht avenue at the 60th, 58th, 57th and 54th street crossings. Safety of operation demands that the Board's recommendation should be strictly complied with, and trains operated between 54th and 62nd streets in either direction should not be run at a rate of speed to exceed 12 miles per hour."

The Board communicated with the company on the subject, the company answering, "that the recommendations of the Board with respect to speed of trains operating on New Utrecht avenue between 54th and 62nd streets will be complied with." The electrical expert, under date of July 31, 1906, reported further in the matter as follows:

"In accordance with instructions contained in your communication of July 3rd, I have made a supplementary investigation of compliance by the Brooklyn Heights Railroad Co. with the recommendations of the Board in reference to speed of express trains on New Utrecht avenue, and submit the

following: A supplementary investigation of this matter was made Tuesday, July 24th, between the hours of 2:30 and 4:30 p. m. As in the previous investigation, a distance of 1320 feet was measured, a man stationed at either end, and the time required for a train to run this distance was noted. The following is a tabulated statement of the result, showing the time the trains passed 54th street and 59th street in either direction, the time consumed in running the distance of 1320 feet, and the rate of speed in miles per hour:

"To Coney Island:				From Coney Island:			
Motor No.	Time	Seconds	M. p. h.	Motor No.	Time	Seconds	M. p. h.
	P. M.				P. M.		
1066	2:35	64	14.05		2:46	40	22.50
1003	2:57	62	14.51		:48	59	15.25
1031	3:11	63	14.28		3:15	60	15
1034	3:28	50	18		:29	61	14.74
1012	:42	59	15.25		:41	35	25.71
1112	:55	65	13.84		4:05	61	14.74
1052	4:09	60	15	1069	:28	59	15.25
1003	:26	56	16.07				

"As will be seen from this statement, the trains were not run in compliance with the Board's recommendations, which suggest a speed of 12 miles per hour, but a comparison of the above statement with that contained in a report on this subject of June 14, 1906, shows that trains are not being run at as high a rate of speed as formerly."

The Board again communicated with the company on the subject. The company replied as follows: "We understand the recommendation of the Board with respect to speed of trains on New Utrecht Avenue to be as follows:

'Trains operated between 54th and 62nd Streets in either direction should not be run at rate of speed to exceed twelve miles per hour.'

"We beg to assure the Board that orders have been issued to train service employees advising them of the existence of the order and warning them of consequences which will inevitably result from its non-observance. Further, we have taken steps to check operation on this line closely and shall see that the rule is complied with." The case was closed. (Case No. 3597. See matter of complaint of William M. MacMahon and others against the Brooklyn Heights Railroad Company under this title in this volume.)

XC.

IN THE MATTER OF THE COMPLAINT OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN AS TO TEN CENT FARE CHARGED ON RAILROADS TO CONEY ISLAND.

September 10, 1906.

This complaint was filed with this Board and a public hearing thereon was given, but during the proceeding the matter was taken to the courts, and this case was closed. (Case No. 3622. See 187 N. Y. 48, printed under next title.)

XCI.

IN THE MATTER OF RECOMMENDATIONS TO THE NEW YORK AND QUEENS COUNTY RAILWAY COMPANY AND THE LONG ISLAND ELECTRIC RAILWAY COMPANY.

September 10, 1906.

On March 8, 1906, this Board recommended to the New York and Queens County Railway Company that it procure as soon as practicable twenty-five double-truck closed cars, with a seating capacity of not less than thirty-

eight each, and put them in operation. On the same date the Board recommended to the New York and Long Island Electric Railway Company that it procure as soon as practicable ten double-truck closed cars, with a seating capacity of not less than thirty-eight each, and put them in operation, and that said company take immediate steps to re-equip its power house with generating apparatus to furnish sufficient power for maximum requirements of operation. The New York and Queens County Railway Company informed the Board that it would "purchase twenty additional cars, twenty-eight-foot bodies, thirty-nine feet over all, same to be delivered in September next." (Case No. 3528. See recommendations to the New York and Queens County Railway Company under the title "Applications for Consent to Issue of Mortgages" in this volume.)

XCII.

IN THE MATTER OF TRANSFER POINTS OF THE BROOKLYN HEIGHTS RAILROAD.

September 10, 1906.

In the matter of transfer points on the Brooklyn Heights Railroad, the electrical expert of this Board reported under date of July 27, 1906, as follows:

"In compliance with instructions contained in yours of June 4th, 1906, attached find a list of points on the railroads operated by the Brooklyn Heights R. R. Co. where transfer agents have been recently located—62 in all, affording transfers between 266 lines. In addition to the transfer agents in the attached statement, there are transfer agents issuing continuing trip tickets at City Hall Square, Williamsburgh Bridge, Boerum Place and Atlantic avenue, and 9th avenue and 20th street. There are also 97 intersection and junction points where transfers are issued by conductors between 296 lines of cars."

<i>Station Number.</i>	<i>Location.</i>	<i>From.</i>	<i>To.</i>
1	Crescent St. and Jamaica Ave.	Jamaica.	Broadway.
2	Broadway and Alabama.	Fulton St.	Broadway.
3	Broadway and Ralph.	Ralph Ave.	Broadway.
4	Broadway and Reid Ave.	Reid Ave.	Broadway or Ralph.
5	Broadway and Park Ave.	Park Ave.	Broadway or Ralph.
6	Fulton and Ralph.	Ralph Ave.	Fulton St.
7	Boerum Pl. and Fulton St.	5th, 7th, Bergen or Union.	St. John's Pl., 7th-F.F.
8	Fulton and Reid.	Reid Ave.	Fulton St.
9	Myrtle and Gates Aves.	Gates, Gates, P. P.	Myrtle, Bush, Union, Flush., Knick.
10	Wyckoff and Myrtle.	R. Hill, C. Hills.	Gates, Myrtle.
11	Ridgewood.	Flush. + Ridgewood, Lutheran.	Bushwick, Union, Flush., Knick., Wyckoff.
12	Myrtle and Knickerbocker.	Union-Flush., Knick.	Myrtle or Bushwick.
13	Myrtle and Bushwick Aves.	Bushwick.	Myrtle.
14	Flushing and Bushwick Aves.	Bushwick.	Flushing-Flush.-Knick. or Union.
15	Grand St. and Union Ave.	Grand or Metropolitan.	Union.
16	Nostrand and Gates Ave.	Nost.-Nost. or Lormer.	Culver-Gates-P. P.

<i>Station Number.</i>	<i>Location.</i>	<i>From.</i>	<i>To.</i>
17	Nostrand and Myrtle.	Nost.-Nost. Culver, Nost.-P. P. or Lor.	Myrtle.
18	Greenpoint and Franklin Ave.	Greenpoint-Cal.	Graham-Lor., Union (Tomp.-Culver).
19	36th and 5th Ave.		
20	Greenpoint and Manhattan Ave.	Graham-Lor., Union or Tomp.	Calv. or Crosstown.
..	Greenpoint and Manhattan Ave.	Culver-Calvary.	Crosstown, Graham, Lor.-Union or Tomp.- Cul.
..	Greenpoint and Manhattan Ave.	Crosstown-Calv.	Graham-Lor.-Union or Tomp.-Culver.
21	Bedford and Manhattan Aves.	One ticket.	Nassau, Graham, Union, Nostrand, Lorimer or Tomp.- Culver.
22	Nassau and Manhattan Aves.	Nassau.	Graham, Crosstown, Lor.-Union or Tomp.- Culver.
23	Nassau and Meeker.	Nassau.	Meeker.
24	Meeker and Graham.	Meeker.	Graham.
25	Broadway and Kent Ave.	Crosstown or Grand.	Greenpoint, Nost.- Bush, or Tomp.
..	Broadway and Kent Ave.	Greenpoint.	Crosstown-Nost.-Bush. or Tomp.
..	Broadway and Kent Ave.	Crosstown.	Bush - Tomp. - Green- point-Nostrand.
26	Kent and Washington Aves.	Greenpoint.	Crosstown.
27	Tompkins and Flushing.	Tomp. or Tomp.- Culver.	Graham-Flush. or Flush.-Knick.
28	Classon and Flushing.	Greenpoint.	Graham-Flushing, Flush.-Knick.
29	Washington and Flushing.	Crosstown.	Graham-Flush. or Flush.-Knick.
30	Sands and Washington Sts.	Flush.-Put., Gates- Flatb. 3rd, Myr- tle or Court.	Graham-Flushing or Flush.-Knick.
31	Flushing and Ave. C.	Ave. C.	Flatbush.
32	Flatbush and Ave. F.	Ocean Ave.	Flatbush.
33	Grand and Flushing.	Grand, Fl.-Ridgwd., Flush.-Grand.	Flush. - Flush. - Ridge- wood, Gran-Flushing and Flush., Ridge- wood.
34	Manhattan Ave. and Com- mercial St.	Crosstown.	Greenpoint.
35	Liberty and Rockaway.	Ralph, Hamburg.	Bergen, St. John Pl.
36	Church and Rockaway.	Hamburg and Ralph.	Church.
37	Tompkins and Lorimer.	Tompkins.	Lorimer.
38	Broadway and Lorimer.	B'way, Ralph, Reid or Sumner.	Lor.-Tomp.-Culver.
39	Bergen and Nostrand.	Bergen.	Marcy.
40	Bergen and Vanderbilt.	Bergen, St. John's.	Marcy, Vanderbilt.
41	9th Ave. and 15th St.	Vanderbilt, Union.	15th St.
42	9th Ave. and Union St.	Union St.	Vanderbilt Ave.
43	13th Ave., Culver crossing.	P. P. and C. I.	Church Ave.
44	7th Ave. and 15th St.	7th Ave.	15th, Court.
45	7th Ave. and Union St.	Union St.	7th Ave.

<i>Station Number.</i>	<i>Location.</i>	<i>From.</i>	<i>To.</i>
46	Concord and Adams.	5th, 7th, Bergen.	Park, Vanderbilt.
47	Sands and Washington.	Park, Vanderbilt, 7th or Bergen.	Union St., St. John's Pl.
48	3d and Hamilton Aves.	3d Ave.	Hamilton Ave.
49	Fifth and Bay Ridge Aves.	5th Ave.	3d, 5th, 86th, B. R.
50	13th Ave. and 86th St.	5th Ave., 86th St.	Bay Ridge.
51	Union Ave. and Mezerole St.	Union Ave.	Bushwick Ave.
52	Myrtle and Fulton.	Any Fulton St.	Myrtle Ave.
53	City Hall.		
54	Kensington Junction.	16th Ave. line.	Vanderbilt, 15th, Reid, Union, Court, Temp.- Cul.-Nost.-Cul., 5th- El. B'way, Ralph, Reid, Sumner or Wyckoff.
55	Myrtle and Navy and Ray- mond.	Crosstown and Greenpoint.	Myrtle.
56	Myrtle and Navy and Ray- mond.	Myrtle.	Crosstown or Green- point.
..	Myrtle and Navy and Ray- mond.	Crosstown.	Greenpoint or Myrtle.
57	86th St. and 5th Ave.	5th Ave. line.	39th St.-C. I.
58	3d and 67th Sts.	5th Ave. Suburban.	3d and Hamilton Aves.
59	39th St. and N. Utrecht.	Church.	5th Ave. West End.
60	Pros. Park Sta. (B. B.).	Brighton Beach.	F'bus, Lor., Temp.- Nost., P. P. and Gates, P. P.
61	Church Ave. Sta., B. B.	Brighton Beach.	Church, Reid, Temp., Cul., Nost., Cul.
62	Ave. C, B. B. Crossing.	Brighton Beach.	Avenue C.

NOTE.—B. B. is Brighton Beach; F. F. is Fulton Ferry; B. R. is Bay Ridge; P. P. is Prospect Park; C. I. is Coney Island.
(Case No. 3727.)

XIII.

IN THE MATTER OF THE COMPLAINT OF THE HAMDEN CO-OPERATIVE CREAMERY COMPANY AGAINST THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

September 10, 1906.

This complaint, by the Hamden Co-operative Creamery Company, of Hamden, Delaware county, N. Y., against the New York, Ontario and Western Railway Company, was filed with this Board on August 18, 1906. It asked that that company stop its milk train at the creamery of complainant to receive cans of milk. The company answered that: "In reply, I beg to say that we are putting up a platform opposite this creamery, and have arranged to stop trains there as soon as the platform can be erected." A copy of this answer was sent to complainant, and the case was closed. (Case No. 3684.)

XCIV.

IN THE MATTER OF THE COMPLAINT OF HENRY H. WEBER AGAINST THE OLEAN STREET RAILWAY COMPANY.

September 10, 1906.

This complaint, by Henry H. Weber against the Olean Street Railway Company, was filed with this Board on August 25, 1906. It alleged that the company was allowing dynamite to be carried on its passenger cars. This Board communicated with the company upon this subject, the company answering that: "We are in receipt of your letter of the 25th instant enclosing copy of letter of Henry H. Weber, complaining of the carrying of dynamite on our cars, and would inform you that same has been investigated and found to be correct. This has been going on unbeknown to the management of the company, as packages have been taken aboard cars by passengers, unnoticed in most instances. The shipments in every case come from the Weston Mills store. We have informed the Weston Lumber Company not to offer any further shipment of dynamite and have issued general orders to our car crews not to accept or permit any one to enter the cars with cases of dynamite. A copy of order issued is herewith enclosed.

"Very truly yours,

(Signed) "OLEAN STREET RAILWAY CO.,

"W. R. PAGE, Pres."

"BULLETIN No. 20.

"Notice to Conductors & Motormen:

"Under no circumstances will you accept shipments of dynamite, powder or any high explosives to be carried on passenger cars nor will you allow passengers to bring packages of same aboard cars.

(Signed) "J. W. MILLER,

"Supt."

The case was closed. (Case No. 3694.)

XCV.

IN THE MATTER OF THE COMPLAINT OF WILLIAM MARSHALL AGAINST THE CENTRAL NEW ENGLAND RAILWAY COMPANY AS TO CONDITION OF ITS FENCE ALONG HIS FARM.

September 10, 1906.

This complaint, by William Marshall, of Salt Point, against the Central New England Railway Company, was filed with this Board on July 14, 1906. It alleged that the fence of the company along his farm was in poor condition. A copy of the complaint was sent to the company, which answered. After further correspondence the complainant informed the Board that the fence had been repaired in a satisfactory manner, and the case was closed. (Case No. 3648.)

XCVI.

IN THE MATTER OF THE COMPLAINT OF J. BIJUR AGAINST THE LONG ISLAND RAILROAD COMPANY IN RELATION TO ARRANGEMENT OF SEATS IN THE PASSENGER CARS USED IN ITS ELECTRIC SERVICE ON THE FAR ROCKAWAY BRANCH.

September 10, 1906.

This complaint, by J. Bijur, of Far Rockaway, against The Long Island Railroad Company, was filed with this Board on July 24, 1906. It stated that cars used in the electric service of the company on its Far Rockaway

branch are equipped with side seats for the most part, with some central cross seats, and alleged that for the comparatively long distance these cars are operated these side seats were uncomfortable. A copy of the complaint was sent to the company, which answered that: " * * * These cars are of steel construction and are similar to the subway cars in Manhattan. They were designed to adapt them especially for short distance local service and also having in view the possibility of a connection at some future time with the subway to and from Manhattan. The idea of having longitudinal seats near the door was to facilitate the loading and unloading during congested hours. I do not believe that the question of cost of these cars entered into the matter at the time they were adopted. I believe that any cars which we build in the future for electric service will not be of this type, but will have the cross seats. I do not believe that we would be justified in changing the seating arrangement of the cars which we now have."

A copy of this answer was sent to the complainant, who replied as follows: "If the Railroad Company does not order more cars of the type now in use, I should think that there would be no necessity for their changing the seating arrangement in their present cars. Now that their attention has been called to the defects of these cars, I think it reasonable to suppose that they will not build more like them, especially as they have no luggage carriers. I notice already, that on certain trains on which no cross-seated cars were run, they now use one or two such cars in addition to the cars which were the subject of my letter." The case was closed. (Case No. 3664.)

XCVII.

IN THE MATTER OF THE COMPLAINT OF M. RAYNOR AGAINST THE GREAT SOUTH BAY FERRY COMPANY AS TO CONSTRUCTION OF A RAILROAD.

September 10, 1906.

This complaint, by M. Raynor, of Freeport, L. I., against the Great South Bay Ferry Company, was filed with this Board on May 10, 1906. I alleged that " * * * there is a railroad being built at Freeport, L. I., crossing the meadows and passing Woodcliff Inn. Is being built by private parties, and we don't think it is safe for any citizen to ride on." The matter was investigated by this Board, the electrical expert of the Board reporting that " * * * I am informed by Paul K. Ames, president of the Great South Bay Ferry Company of South Beach, that that company are constructing 6,800 feet of single track railroad on private right of way, such construction being done under the authority of section 20 of the railroad law. * * * The railroad * * * does not cross any highways." Upon this report the case was closed. (Case No. 3576.)

XCVIII.

IN THE MATTER OF THE COMPLAINT OF W. C. GALLAGHER, M. D., AGAINST THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY AS TO A BRIDGE CROSSING A HIGHWAY.

September 10, 1906.

This complaint, by W. C. Gallagher, M. D., of Slaterville Springs, against The Delaware, Lackawanna and Western Railroad Company, was filed with this Board on July 20, 1906. It alleged that the company during the con-

struction of a new bridge in place of an old bridge in its railroad crossing overhead a highway at Wilseyville, on its Ithaca and Owego branch, was reducing the overhead clearance from bed of highway which formerly existed, namely, nine feet five inches, to eight feet four inches. A copy of the complaint was sent to the company, which answered, " * * * The clearance between ground line and bottom of girder of old bridge was 9' 3". We intend to raise our tracks 9" at this point in our new construction, and with the depth of girder that we intend to use this will reduce the clearance under this bridge 1", but to offset this we will cut down the grade of roadway, so as to leave the present clearance." A copy of this answer was sent to complainant. A letter on the subject was also received from the highway commissioner of the town. The matter being one under the jurisdiction of the highway commissioner instead of under the jurisdiction of this Board, the case was closed. (Case No. 3658.)

XCIX.

IN THE MATTER OF THE COMPLAINT OF THE ANDOVER STAMPING COMPANY
AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY,
AS TO SHIPMENTS BY SAID COMPANY FROM ALBION TO ANDOVER.

September 10, 1906.

This complaint, by the Andover Stamping Company, against the New York Central and Hudson River Railroad Company, was filed with this Board on August 9, 1906. It alleged that, on certain shipments made by said company from Albion to Andover in this State, cars were sent from Albion to Geneva and then to Corning, being delivered to the Erie Railroad at Corning, whereas complainant alleges that the cars should have been sent from Albion to Buffalo via the New York Central and Hudson River Railroad and from Buffalo to Andover via the Erie, in which event the freight charges would have been much less. Accompanying the complaint was a copy of a bill against the New York Central and Hudson River Railroad Company and the Erie Railroad Company for \$239.60, the excess charge claimed. Complainant was informed that this Board had not jurisdiction in the matter of collecting this claim, and that it could only be adjudicated by the courts. A copy of the complaint, however, was sent to the New York Central and Hudson River Railroad Company, which answered: " * * * That the cars concerning which complaint is made were loaded at the factory at Albion by the shippers, who made out their own shipping receipt, and from the descriptions given thereon it appeared that these shipments took first-class rate. Our agent called the attention of the shipper to this fact, and said that if he would provide him with a list of the articles in the cars, with approximate weight of each, it might be possible for him under the official classification to so classify as to give him (the shipper) a lower rating, but the shipper replied that he would be too much troubled on account of the number of articles in the cars. Therefore our agent could do no less than to follow the official classification and rate accordingly. The shipping receipt as made out by the shipper gave no instructions as to the route, therefore our agent, there being no through tariffs in effect between Albion and Andover by any route, sent the cars to Corning, believing that the total charges would be approximately the same by that route as via Buffalo, as there was very little difference in the mileage, and so routing gave the New York Central and Hudson River Railroad the most earnings it could get out of the transaction without apparent injury to the shipper or consignee. As to the charges made by the Erie Railroad from Corning to Andover, we cannot say, but it was possible that, owing to the fact that this was a new industry to the Erie Company, they may have made a special arrangement for the transportation of their material, but as to that we have no knowledge and no jurisdiction." A copy of this answer was sent to complainant, who did not reply, and the case was closed. (Case No. 3676.)

C.

IN THE MATTER OF THE COMPLAINT OF ARTHUR G. QUA AGAINST THE BOSTON AND MAINE RAILROAD, AS TO PLACING OF COAL ON SIDING IN SARATOGA SPRINGS.

September 10, 1906.

This complaint, by Arthur G. Qua, against the Boston and Maine Railroad, was filed with this Board on September 4, 1906. It alleged that complainant was engaged in the retail coal business in Saratoga Springs, and that the Boston and Maine Railroad refused to place cars of coal consigned to him in its freight yard at that place, placing them instead on a siding "fully a mile from the freight yard. * * * My cars are the only ones placed on this siding." A copy of the complaint was sent to the company, which answered: "Referring once more to your valued favor of recent date, in regard to complaint made by Arthur G. Qua, of Saratoga Springs, under date of September 7th, Supt. Cheever, of our Fitchburg division, writes me as follows: 'Mr. Qua has never said anything to me about his trouble, but Mr. Snyder informs me that he did write to him once about it. As I understand his complaint, he wants to place his cars on what is known as the old 'coach track' close to the passenger station. Our objections to this have been that it would be an inconvenience to passengers to have coal handled so close to the place where they take the trains.' I have written to Asst. Supt. Snyder to instruct the agent to allow Mr. Qua to have his cars placed on the 'old coach' track, and we will try it and see if the business can be conducted there without any inconvenience to passengers." A copy of this answer was sent to complainant, who expressed himself as satisfied, and the case was closed. (Case No. 3700.)

. CI.

IN THE MATTER OF THE COMPLAINT OF EDGAR CARY, OF RICHFIELD SPRINGS, AGAINST THE ONEONTA AND MOHAWK VALLEY RAILROAD COMPANY.

September 10, 1906.

This complaint, by Edgar Cary, of Richfield Springs, against the Oneonta and Mohawk Valley Railroad Company, was filed with this Board on July 15, 1906. It alleged that the company should place guard-wires under its high potential electric wire in Richfield Springs. A copy of the complaint was sent to the company, which answered that " * * * The cradles will be erected as soon as we receive the material for making up the same." Subsequently complainant informed the Board that this had been done, and the case was closed. (Case No. 3651.)

CII.

IN THE MATTER OF THE COMPLAINT OF W. WIRT MILLS AGAINST THE STATEN ISLAND MIDLAND RAILROAD COMPANY AND THE RICHMOND LIGHT AND RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC.

November 22, 1906.

This complaint, by William Wirt Mills, of Staten Island, against the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company (street surface lines), was filed with this Board on August 13, 1906. It complained generally as to the service rendered the public by these companies. Recommendations on this subject were made to the companies in another case, which will be found under this title in this volume. The complainant was so notified, and this case was closed. (Case No. 3678.)

CIII.

IN THE MATTER OF THE COMPLAINT OF HERBERT H. MAASS AGAINST THE OCEAN ELECTRIC RAILWAY COMPANY AS TO REFUSAL TO STOP ITS CARS AT CHANNEL AVENUE, NEAR EDGEWEGE, BETWEEN FAR ROCKAWAY AND ROCKAWAY BEACH.

September 10, 1906.

This complaint, by Herbert H. Maase, of Edgemere, against the Ocean Electric Railway Company, was filed with this Board on May 14, 1906. It alleges that that company, which operates electric cars between Far Rockaway and Rockaway Beach, refused to stop its cars for passengers to board or leave at Channel avenue, near Edgemere, except on afternoons when baseball games were in progress in that vicinity. A copy of the complaint was sent to the company, which answered that the cars in question operate over tracks of the Long Island Railroad, upon which tracks are run as well steam trains and third-rail electric trains; that there is a stop at Atlantic avenue, 1,300 feet from Chamael avenue, and one at Edgemere station, 800 feet from Channel avenue; that "it is quit important in an operation of this kind that we keep the number of stops at a minimum, as the line carries a heavy traffic and any additional trolley car stops interferes with the regular steam and electric operation." A copy of this answer was sent to complainant, who replied. A report in the matter was made by the electrical expert of the Board and, after consideration of the matter, the Board determined that it would not recommend that this step be made in view of the comparatively small number that would be accommodated (as ascertained from said report) and the possibility of collision. (Case No. 3577.)

CLV.

IN THE MATTER OF THE COMPLAINT OF J. R. SCOTT AGAINST THE DELAWARE,
LACKAWANNA AND WESTERN RAILROAD COMPANY.

September 10, 1906.

This complaint, by L. R. Scott, of Bridgewater, against the Delaware, Lackawanna and Western Railroad Company, was filed with this Board on July 24, 1906. It alleged non-connection between a train of said company and a passenger train of the Unadilla Valley Railway Company in the morning at Bridgewater. A copy of the complaint was sent to the Delaware, Lackawanna and Western Railroad Company, which answered that " * * * We were obliged to make a change in one of our trains after notifying the Unadilla Valley people of our intention so to do, and suggesting, if it were desired on their part, that we would like them to make an effort to maintain a reasonably close connection." A copy of this answer was sent to complainant, who replied, and the case was closed. (Case No. 3660.)

CV.

**IN THE MATTER OF THE COMPLAINT OF THE ARVERNE-BY-THE-SEA ASSOCIATION
AGAINST THE LONG ISLAND RAILROAD COMPANY.**

September 10, 1906.

This complaint, from the Arverne-by-the-Sea Association against the Long Island Railroad Company, was filed with this Board on June 7, 1908. It referred to unprotected grade crossings of said company's railroad, "and also that the railroad stations (should) have a uniformed superintendent for the

same protection." Complainants were informed that the question of gates or flagmen at steam railroad grade crossings is in the jurisdiction of the local authorities in applications to the courts under section 33 of the Railroad Law, and a copy of the complaint was sent to the company, which answered that " * * * We have two stations at Arverne, one at Straiton avenue and the other at Gaston avenue, and we have a station agent at each place, who sells tickets and looks after the station building.

"The Boulevard is protected by gates.

"Storm avenue has no protection except the ordinary crossing sign.

"Alexander avenue is protected by a sign only.

"Vernon avenue by a sign.

"Remington avenue by a sign.

"Carlton avenue by flagman, days.

"Cedar avenue protected by sign only.

"The crossings above referred to which are not protected with a flagman or with gates are not, in our opinion, dangerous crossings. We are constantly watching these matters, and I will see that further investigation is made as to the necessity for other means of protection. At Gaston avenue, where the platform facilities are limited, a uniformed officer could be used, and I have arranged to have one stationed there during the balance of this season. We are planning to build a new and commodious station at Gaston avenue before another season, when ample facilities and protection will be afforded."

A copy of this answer was sent to complainants, who did not reply, and the case was closed. (Case No. 3603.)

CVI.

IN THE MATTER OF THE COMPLAINT OF JOHN H. COYNE, MAYOR OF YONKERS,
AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY,
AS TO PASSENGER FARE.

September 10, 1906.

This complaint, by John H. Coyne, Mayor of Yonkers, against the New York Central and Hudson River Railroad Company, was filed with this Board on March 6, 1906. It alleged that the rate of fare on the New York and Putnam division of said company's railroad, from Getty square, Yonkers, to One Hundred and Fifty-fifth street, New York city, was at the rate of about three and one-eighth cents a mile, and that it should be reduced to at least two cents a mile. A copy of the complaint was sent to the company, which answered in effect that a single-trip fare (twenty-five cents) is at the rate of a little less than three cents a mile; that a ten-ride commutation ticket is issued for twenty cents, which is a little more than at the rate of two cents a mile; also that " * * * it is the intention of the company to meet the question of rates of fare in the suburban district in a broad and business-like way when the change in motive power is effected * * *." A copy of this answer was sent to complainant, who did not reply, and the case was closed. (Case No. 3526.)

CVII.

IN THE MATTER OF THE COMPLAINT OF W. H. NEARPASS, SUPERVISOR OF THE
TOWN OF DEER PARK, ORANGE COUNTY, AGAINST THE MILFORD, MATAMORAS
AND NEW YORK RAILROAD COMPANY.

September 10, 1906.

This complaint, by W. H. Nearpass, supervisor of the town of Deer Park, Orange county, was filed with this Board on April 16, 1906. It complained

that an iron bridge of this company which crossed the Delaware river at Port Jervis had fallen into the river, and had not been removed, resulting in obstruction to navigation of the river by rafts, and danger of floods in Port Jervis. After correspondence with the company in this and another case which will be found under this title in this volume a new bridge was erected across the river at this point by the company, it being the intention to remove the old bridge. (Case No. 3562.)

CVIII.

IN THE MATTER OF THE COMPLAINT OF HERBERT VANDYKE AGAINST THE INTERBOROUGH RAPID TRANSIT COMPANY (LESSEE MANHATTAN RAILWAY) AND AGAINST THE UNION RAILWAY COMPANY.

September 10, 1906.

This complaint, by Herbert VanDyke, of New York city, against the Interborough Rapid Transit Company (lessee Manhattan Railway) and against the Union Railway Company, was filed with this Board on May 17, 1906. It alleged that there should be elevators or an escalator at the One Hundred and Fifty-fifth street and Eighth avenue Manhattan Railway station, because of the steepness of the stairs and the great number of steps in the stairs leading to the station; and that delays which existed at this station in exchanging transfer tickets from the Jerome avenue Union Railway Surface line should be remedied. It also alleged that the Union Railway Company did not furnish adequate service southbound on its Jerome Avenue line between 7 and 10 a. m. A copy of the complaint was sent to the Interborough Rapid Transit Company, which answered that " * * * I have to say that the stairways at One Hundred and Fifty-fifth street are the property of the city and we have no control over them whatever. The ticket booth referred to was placed there in anticipation of its necessity, but up to the present time we have had no occasion to use it." A copy of this answer was sent to complainant, who replied. A report in the matter was made by the electrical expert of this Board, in relation to that part of the complaint as to delay in exchanging transfer tickets. His report was that between the hours of his investigation, 6:30 a. m. to 9:30 a. m. May 21st and June 1st, there was no serious inconvenience caused passengers by waiting to exchange transfer tickets. A copy of that portion of the complaint which related to the southbound service on Jerome avenue was sent to the Union Railway Company which answered giving a schedule of the running time of its cars and stating that "Upon this line we are running a number of our large double-truck cars, and instructions have been given to our superintendent of transportation to pay particular attention to the operation of the cars on Jerome avenue. This is the first complaint we have had for several months, and we are of the opinion that the service is satisfactory to a very great majority of our patrons." A copy of this answer was sent complainant, who replied expressing satisfaction with it, and the case was closed. (Case No. 3835.)

CIX.

IN THE MATTER OF THE COMPLAINT OF M. WADE LANSING AGAINST THE SCHENECTADY RAILWAY COMPANY AS TO PASSENGER FARE.

September 10, 1906.

This complaint, by M. Wade Lansing, of Lisha's Kill, Albany county, against the Schenectady Railway Company, was filed with this Board on July 16, 1906, and is as follows: "As you are, no doubt, aware the Schenectady Railway Company issues commutation books between Albany and Schenectady at \$7.50

per month (or about twelve and one-half cents per single trip), the distance between the two cities being about seventeen miles, all persons living within six and one-half or seven miles of Schenectady have to pay ten cents for a single trip to above-named city. There are about forty persons who work in Schenectady, who make this trip daily all the year round. Is there not some way to induce or compel the Schenectady Railway Company to issue commutation rates in the form of books or tickets to these people living in the ten-cent fare limit? The fare from Schenectady to Albany is forty cents per round trip, and all persons living at Rexfords Flats, Scotia or Belleview can get a transfer, thus getting their fare for the same price, although they live from three to four miles beyond Schenectady; but if a passenger gets on a car at any station between Stanfords and Van Hoesens he has to pay forty cents for a round trip and rides about five to eight miles less than if he had boarded the car at Schenectady or any of the above-named suburbs. Is there any way to have this rate lowered for those using the cars through the country? * * *." The company answered that " * * * The first paragraph of Mr. Lansing's letter is correct; also the statement that passengers living beyond the local fare limit have to pay ten cents to get to Schenectady. We have never thought that the charge of ten cents for a ride of six and one-half miles was unreasonable, especially when the passenger is permitted to transfer to any of the local lines and may thus increase the distance travelled by him anywhere from one to four miles. It is necessary, as you are aware, to have fare limits somewhere, and if the fare limit should be extended beyond the point where Mr. Lansing resides, we would undoubtedly receive a communication from the man residing just over the fare limit to have it extended beyond his house and so on until the Albany city line was reached. So far as issuing commutation books for every fare limit on our system is concerned, we believe this would be extremely impracticable and do not believe that such a system exists on any street railway in the State * * *." A copy of this answer was sent to complainant, who replied. Another part of the complaint alleged that passengers were permitted to ride on fenders and bumpers of cars of this company. In this matter an inspector of this Board reported that " * * * My observation of the operation of the cars of this railroad company from the date of receipt of the secretary's letter up to the present day, and especially on July 4th, when travel was particularly heavy, failed to show one instance of passengers riding on these cars as stated in Mr. Lansing's letter." It did not seem to the Board that it should proceed further in this matter, and the case was closed. (Case No. 3654.)

CX.

IN THE MATTER OF THE COMPLAINT OF R. J. CALDWELL AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO PROTECTION OF THE THIRD RAIL, ELECTRIC, ON ITS ELEVATED LINES.

September 28, 1906.

This complaint, by R. J. Caldwell, of Brooklyn, was filed with this Board in 1905 (see p. 43, 1st vol. R. R. Com. Report, '05). In 1906 complainant asked the Board further in relation to the matter, and under date of September 17, 1906, he was notified that he could again appear before the Board in this matter on September 28, 1906. He did not appear on that date but telephoned and asked permission to be heard on some latter day. This permission was granted, but at the time of writing this report no further request has been received from complainant to be heard. (Case No. 3433.)

CXI.

IN THE MATTER OF THE COMPLAINT OF GEORGE M. MCCOMBS, M. D., AGAINST
THE UTICA AND MOHAWK VALLEY RAILWAY COMPANY, AS TO HIGH TENSION
FEED WIRE POLE LINE IN FRANKFORT.

October 3, 1906.

The electrical expert of this Board, under date of September 12, 1906, reported in this matter as follows: "In reference to the complaint of George M. McCombs, M. D., of Frankfort, as to protection of high potential wires of the Utica and Mohawk Valley Railway Company in Pleasant street, Frankfort, mentioned in yours of August 8th, I submit: This subject was brought to the attention of the Street Railway Association of the State of New York, and that body appointed a committee who made a number of experiments with a view of determining the possible danger to persons coming in contact with high potential wires broken between poles. A report from this committee was submitted to the State Association, in convention at Utica, September 13, 1904. A copy of the report, with sketches of the experimental line constructed for this purpose, is submitted. This report was approved by the association. It contained among other valuable information, the following statement: 'The series of tests indicate that under certain possible conditions of high voltage transmission, wooden poles may become sufficiently charged to render them dangerous. These conditions while possible are, however, extremely improbable, but it is, nevertheless, advisable that proper means be devised for affording necessary protection, and we therefore offer the following suggestions in relation to such protection: It was shown that when the band wire which was wrapped around the wooden poles was grounded it was practically impossible to obtain a shock while standing on the ground and touching any portion of the pole below the band wire. We therefore suggest that all wooden poles in exposed locations, which are carrying high voltage transmission lines, be supplied with a metal band placed tightly around the pole about six feet from the ground and permanently and durably connected to the ground. Where iron poles or towers are used, if they are merely set in earth, no protective device of the above character is required. If they are set in concrete there might be a slight shock obtained if the concrete was very dry and covered every portion of the pole where placed in the ground. This condition can be avoided by having the pole project several inches through the concrete into the earth. Galvanized iron poles or towers set in earth without the use of concrete are therefore preferable as regards safety from accidental shock over any other type. For protection from possible danger due to wires carrying a high voltage breaking and lying on the ground, we would suggest that poles or towers in exposed places be fitted with thoroughly and permanently grounded iron shields or brackets which extend on each side of each pole and cross-arm to a sufficient distance and at a proper height so that a break in the wire would cause the ends to come immediately in firm contact with the grounded shields by dropping upon them. In this case no one could receive a severe shock from the broken ends which might be lying on the ground or suspended within reach, as the wires would be at the same potential as the earth on which the person was standing. A grounded network suspended under the transmission wires, if properly installed, would accomplish the same results.' The committee also reached the important conclusion, which is contained in the report, that firemen playing streams of water on high voltage transmission lines could not receive a serious shock by reason of the current passing through the water and through their bodies to the ground. Referring to the high potential line through Pleasant street in the village of Frankfort, and the Board's suggestion that it be removed from that street, in a communication dated August 14, 1906, C. Loomis Allen, General Manager of the Utica and Mohawk Valley Railway Company, states: 'Referring to the complaint of Dr. McCombs, would say that we have had the matter up and have gone ahead trying to secure a right of way around the village of Frankfort so as to eliminate this high tension line in Pleasant street. At the present time we are held up on the matter of securing this right of way.'"

(Case No. 2899. See page 87, 1st vol. R. R. Com. Report, 1904.)

CXI.

IN THE MATTER OF THE COMPLAINT OF MERTON REYNOLDS, CLERK OF THE TOWN OF TORREY, YATES COUNTY, AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, AS TO A GRADE CROSSING OF SAID COMPANY'S RAILROAD IN SAID TOWN.

October 3, 1906.

This complaint, by Merton Reynolds, Clerk of the town of Torrey, Yates county, against the New York Central and Hudson River Railroad Company, was filed with this Board on September 11, 1906. It alleged that a highway grade crossing of said company's railroad was not in proper condition. A copy of the complaint was sent to the company, which answered that the crossing would be placed in proper condition. A copy of this answer was sent to complainant, who expressed himself as satisfied, and the case was closed. (Case No. 3719.)

CXII.

IN THE MATTER OF THE COMPLAINT OF JAMES S. ROOT AGAINST THE ROCHESTER AND EASTERN RAPID RAILWAY COMPANY.

October 3, 1906.

This complaint, by James S. Root, of Rochester, against the Rochester and Eastern Rapid Railway Company, was filed with this Board on September 5, 1906. It complained of the condition of the roadbed and rate of speed of cars on this company's railway; also as to conductors being obliged to walk along the running boards of open cars on other electric railroads in Rochester. A report in the matter was made by the electrical expert of the Board to the effect that the track and roadbed of the Rochester and Eastern Rapid Railway was in good condition and the rate of speed of cars not excessive. So far as conductors "having to use running boards of open cars to get from one part of the car to the other is concerned, this is a matter peculiar to all open cars." A copy of the electrical expert's report was sent to complainant, and nothing further being heard from him, the case was closed. (Case No. 3703.)

CXIII.

IN THE MATTER OF THE COMPLAINT OF J. H. BURTIS, JR., OF HUNTER, AGAINST THE ULSTER AND DELAWARE RAILROAD COMPANY, AS TO FAILURE TO FURNISH SEATS TO PASSENGERS.

October 3, 1906.

This complaint, by J. H. Burtis, Jr., of Hunter, in the Catskills, against the Ulster and Delaware Railroad Company, was filed with this Board on September 16, 1906. Complainant is a hotel-keeper, and the complaint alleged that guests of his hotel were not able to procure seats in passenger cars of the Ulster and Delaware Railroad Company from Hunter to Kingston, a distance of forty miles, for the whole or a large part of the distance. A copy of the complaint was sent to the company, which answered that " * * * The traffic on our line during the summer is largely summer resort traffic, moving in large volume within short periods. For example, during the first week in September, a large percentage of all the people going into the Catskill Mountains during the summer season return to New York city, and at such times it is not always possible for us to furnish sufficient equipment to seat every passenger. To meet these conditions, however, our trains are run in sections and every effort made to provide sufficient cars, and, except at the

times noted, I believe there is no cause for complaint. Mr. Burtis does not name any specific date or train on which he claims there was insufficient room, so that I am unable to make a definite reply. This company does not and has not claimed any legal right to compel passengers to stand in their cars for a distance of forty miles, but do claim that all reasonable requirements of the traffic are provided for and that the service does not merit the criticism which Mr. Burtis makes, and compares favorably with other lines handling a similar class of traffic." A copy of this answer was sent to complainant, who did not reply, and the case was closed. (Case No. 3723.)

CXIV.

IN THE MATTER OF THE COMPLAINT OF JOHN F. SEEVANY AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC.

October 3, 1906.

This complaint, by John F. Seevany, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on August 27, 1906. It alleged that the company did not operate sufficient surface or elevated cars in the East New York section of Brooklyn on Sunday. A copy of the complaint was sent to the company, which answered that " * * * Our general superintendent had a representative call on the complainant, and the operation of the lines to which he referred was thoroughly discussed. We also had investigation made and certain counts taken. We find that on Sunday mornings there is a seven and eight-minute headway on Liberty avenue and Jamaica avenue, and a fifteen-minute headway on Fulton street. On the City line and Lexington Avenue Elevated lines we have at the same time a headway of seven and one-half minutes * * * ." A copy of this answer was sent to complainant, and nothing further having been heard from him the case was closed. (Case No. 3714.)

CXV.

IN THE MATTER OF THE COMPLAINT OF WILLIAM H. T. MOORE AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO THE OPERATION OF ITS SUMNER AVENUE LINE.

October 3, 1906.

This complaint, by William H. T. Moore, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on August 28, 1906. It alleged that the company did not operate sufficient cars on its Sumner Avenue line in the early evening. A copy of the complaint was sent to the company, which answered that " * * * Our investigation discloses the fact that the regular headway was thrown out of operation on account of the fact that the track-welding machines were working on Broadway. In order to restore an even interval, shortly after 8 p. m., the inspector stationed at Fulton street and Sumner avenue, turned back some cars. While this resulted in some delay above this point, it was a great convenience to people below Fulton street, and we have no doubt that the interests of the majority were served * * * ." A copy of this answer was sent to complainant, who replied. The case was closed. (Case No. 3696.)

CXVI.

IN THE MATTER OF THE COMPLAINT OF H. P. QUICK AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY.

October 3, 1906.

This complaint, by H. P. Quick, was filed with this Board on June 13, 1906. It alleged that underground crossings of streets by the railroad operated by the Brooklyn Heights Railroad Company, between Beverly road and Park place, Brooklyn, should be lighted; that the lights should be turned on in cars when in these undercrossings. Complainant also objected to the collection of train checks issued by conductors for fares paid. A copy of the complaint was sent to the company, which answered, and a copy of its answer was sent to complainant. A report in the matter was made by the electrical expert of the Board, and the Board recommended to the company that the underground crossings be lighted, the lights to be screened from the view of approaching motormen. The complainant was notified to this effect. The electrical expert of the Board subsequently reported that this recommendation has been complied with. The case was closed. (Case No. 3611.)

CXVII.

IN THE MATTER OF THE COMPLAINT OF WILLIAM P. GREGG AND THE VILLAGE OF PORT JERVIS AGAINST THE MILFORD, MATAMORAS AND NEW YORK RAILROAD COMPANY AS TO THE CONSTRUCTION OF A BRIDGE OF THAT COMPANY ACROSS THE DELAWARE RIVER.

October 3, 1906.

This complaint, by William P. Gregg and the Village of Port Jervis against the Milford, Matamoras and New York Railroad Company, was filed with this Board on August 21, 1906. Complainants alleged that the abutments of the bridge being constructed by the company across the Delaware river at Port Jervis were obstructions in the river, and were injuring a dyke constructed by the State at that point. Considerable correspondence was had with the company and complainants on the subject, resulting in a report from an inspector of the Board to the effect that the cause of complaint had been remedied. The case was closed. (Case No. 3689.)

CXVIII.

IN THE MATTER OF THE COMPLAINT OF WINTHROP & STIMSON FOR A CLIENT, WINTHROP CHANLER, AGAINST THE ERIE RAILROAD COMPANY AS TO FENCE.

October 3, 1906.

This complaint, by Winthrop & Stimson, of New York city, for a client, Winthrop Chanler, against the Erie Railroad Company, was filed with this Board on July 19, 1906. It alleged that the company maintained a barbed wire fence, in violation of section 32 of the Railroad Law, along the farm of Mr. Chanler, at Geneseo. A copy of the complaint was sent to the company, which answered. A copy of the answer was sent to complainants. After further correspondence, complainants informed the Board that a new fence had been erected, thus removing the cause of complaint. The case was closed. (Case No. 3655.)

CXIX.

IN THE MATTER OF THE COMPLAINT OF FORREST SEED COMPANY, OF CORTLAND, AGAINST THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY AS TO LOSS ON A SHIPMENT OF FREIGHT.

October 3, 1906.

This complaint, by the Forrest Seed Company, of Cortland, against the Delaware, Lackawanna and Western Railroad Company, as to loss on a shipment of freight, was filed with this Board on September 4, 1906. It alleged that a shipment of freight on said company's railroad, onion sets, by complainants, from Cortland to Deposit, were found at Deposit to be frozen, and were sold for freight charges, whereas, as the freezing of onion sets does not harm them, they should have been sent back to the shippers. The amount claimed was \$11.50. A copy of the complaint was sent to the company (although this Board could not enforce the collection of the claim), which answered that the claim would be settled. A copy of the answer was sent to complainants, who replied that the claim had been settled. The case was closed. There were matters of interstate commerce also complained of, which complainant, after correspondence with this Board, brought before the Interstate Commerce Commission. (Case No. 3698.)

CXX.

IN THE MATTER OF THE COMPLAINT OF F. W. ALLEN, OF JAMAICA, AGAINST THE LONG ISLAND RAILROAD COMPANY, AS TO PASSENGER FARE.

October 3, 1906.

This complaint, by F. W. Allen, of Jamaica, against the Long Island Railroad Company, was filed with this Board on July 17, 1906. It complained of an excess charge of ten cents fare on local trains of said company between Jamaica and Flatbush avenue, Brooklyn; also that local and express trains of the company were not indicated as such at Jamaica. A copy of the complaint was sent to the company, which answered in detail as to the fare charged, and that local and express trains were designated as such, front and rear, and that conductors and trainmen announce whether or not they are local trains at all stops and at the termini. A copy of this answer was sent to complainant, who replied. After further correspondence with the company as to fare charged, it informed this Board as follows: " * * * I beg to advise you that, commencing October 1st, this company will issue duplex receipts when additional fares are collected on trains from passengers who have no tickets, and that the additional charges thus collected will be refunded to the passenger on presentation of the conductor's receipt at any ticket office." A copy of this letter was sent to complainant, and, nothing further having been heard from him, the case was closed. (Case No. 3650.)

CXXI.

IN THE MATTER OF THE COMPLAINT OF FRANK J. LANG AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO OPERATION OF TRAINS ON THE BROOKLYN BRIDGE AND ON ITS LEXINGTON AVENUE ELEVATED LINE.

October 3, 1906.

This complaint, by Frank J. Lang, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on July 7, 1906. It alleged that while the local bridge train service on the Brooklyn Bridge

during the morning and evening rush hours had been improved by the addition of another car to the regular local bridge trains, thereby having the train consist of five cars instead of four cars as theretofore, the headway of these trains had been increased thirty seconds, to wit: from forty-five seconds to one minute and fifteen seconds; also that on the Lexington Avenue elevated line local trains during the rush hours had been reduced from six to five cars. A copy of the complaint was sent to the company. Reports in the matter were made by the electrical expert of the Board, one being to the effect that five car trains were operated on the bridge during the rush hours on fifty seconds headway, and that it would not be practicable to reduce this. The Board recommended to the company that all trains operated on the Lexington Avenue elevated line during the morning and evening rush hours be six car trains "running on the present schedule." The company afterward informed the Board that it was complying with this recommendation. Subsequently the complainant alleged that, while the company had complied with this recommendation for about two weeks, it then began to operate some of the express trains with but five cars instead of six, and were steadily increasing the number of five-car express trains. The Board again communicated with the company on this subject, which answered that:

"* * * We are making every effort to comply with the requirements of the Board with respect to number of trains, cars to a train, etc., operated on the line in question during the morning and evening rush hours. As the members of the Board are undoubtedly aware, we have during the present summer operated winter schedule on the Lexington Avenue line instead of as heretofore reducing the summer schedule with the advent of warmer weather. This arrangement and the needs of our other lines has called for all the equipment we have, and it has occasionally been necessary to withdraw motor cars from the various lines for inspection and shop purposes. The officers of our transportation department have endeavored to distribute the work fairly between the various lines without working any hardship on our patrons. It has been, however, necessary to occasionally operate some five car trains; this condition has been improved with the last few days, and we look for a continuance of the improved service."

A copy of which answer was sent to complainant. Subsequently the Board recommended to the company:

"(1) That all trains operated on the Lexington Avenue line be six car trains between the hours of 6:52 a. m., leaving Cypress Hills, and 6:48 a. m., leaving Gates avenue, to 8:22 a. m., leaving Gates avenue, and 8:24 a. m., leaving Cypress Hills.

"(2) That all trains leaving the Brooklyn end of the bridge between the hours of 5:25 and 6:32 p. m. be six-car trains."

The company informed the Board that this recommendation would be complied with. Complainant was so notified. Nothing further having been heard from complainant, the case was closed. (Case No. 3635.)

CXXII.

IN THE MATTER OF THE COMPLAINT OF W. F. STONE AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO A HIGHWAY GRADE CROSSING OF ITS RAILROAD.

October 3, 1906.

This complaint, by W. F. Stone, against the Brooklyn Heights Railroad Company, was filed with this Board on August 13, 1906. It alleged that where the Brighton Beach division of said company's railroad crossed the Beverly road highway there was but one flagman stationed, and there should be at least two. A copy of the complaint was sent to the company, which

answered: " * * * We have given this suggestion very careful consideration, and conclude that it would be directly against the interests of the public to make any change in the arrangements now in force for the protection of this crossing. It would be—as we believe the Commission will agree—an added element of danger to divide the responsibility of flagging this crossing between two men. We now have an experienced flagman on duty and have issued special instructions to trainmen." A copy of this answer was sent to complainant, who replied that the number of trains using this crossing having been reduced, one flagman was sufficient. A report in the matter was also made by the electrical expert to the same effect. The case was closed. (Case No. 3679.)

CXXIII.

IN THE MATTER OF THE COMPLAINT OF S. W. TURNER AGAINST THE INTERBOROUGH RAPID TRANSIT COMPANY, MANHATTAN RAILWAY DIVISION.

October 17, 1906.

At page 36, 1st volume, Railroad Commissioners' Report, 1905, will be found a statement of this complaint, which alleged that, at the One Hundred and Sixteenth street and Ninth avenue elevated station on the Manhattan railway, lessor, the stairways leading the station were inadequate, and that elevators in operation were also inadequate. During the year 1906, several further reports in this matter were made by inspectors of the Board, and the Board recommended to the company that it cause the four elevators at this station to be operated continuously from 6 a. m. until 9:30 a. m. on week days. Subsequently, and under date of October 9, 1906, the electrical expert reported as follows: " * * * An investigation of the conditions existing at this station was made this morning from 6:30 to 9 a. m., and no congestion or delay to passengers was found, caused by the operation of the elevators. The company have complied with the Board's recommendations as far as the improvement in the condition of the elevators is concerned," and the case was closed. (Case No. 3275.)

CXXIV.

IN THE MATTER OF THE COMPLAINT OF E. Y. WOOLEY AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS TO OVERCROWDING OF PASSENGER TRAIN.

October 17, 1906.

This complaint, by E. Y. Wooley, against the New York Central and Hudson River Railroad Company, was filed with this Board on September 15, 1906. It alleged that, on the passenger train of said company leaving Utica for the west at 8:45 a. m., September 14, 1906, many passengers were unable to procure seats. A copy of the complaint was sent to the company, which answered that " * * * I have looked into the matter and find that the train in question was our No. 43. We anticipated that the travel would be heavy for that train on the date in question and attached two extra coaches at Utica, but it appears there was not quite enough seating accommodation for everybody, ten people in the two coaches taken on at Utica and seven in the regular car being obliged to stand up between Utica and Syracuse. * * * " A copy of this answer was sent to complainant, who replied. After further correspondence with the company, it informed this Board that " * * * The two extra coaches attached to train 43 were the only extra cars on hand at Utica at the time. This was one of the days of very heavy travel, and the supply of coaches at that point was not equal to the demand." The case was closed. (Case No. 3721.)

CXXV.

IN THE MATTER OF THE COMPLAINT OF D. M. MACLELLAN, OF FLUSHING,
AGAINST THE LONG ISLAND RAILROAD COMPANY AS TO OVERCROWDING OF A
PASSENGER TRAIN.

October 17, 1906.

This complaint, by D. M. MacLellan, of Flushing, was filed with this Board on October 9, 1906. It alleged that, on October 5, passenger train No. 381 of the Long Island Railroad Company from Long Island City to Flushing was very much overcrowded. A copy of the complaint was sent to the company, which answered that, " * * * In answer to this complaint, I would say that, Saturday, October 6th, was the day of the Vanderbilt Cup Race on Long Island. All of our afternoon trains on Friday were crowded with people going to this race. We provided all the extra equipment we could for regular trains, and ran about thirty extra trains to this race. We figure that we carried 35,000 people to and from the race without any accidents. As a rule train 381 has ample seating capacity, as do all other regular trains operated by the Long Island Railroad." A copy of this answer was sent to complainant, who replied. The case was closed. (Case No. 3751.)

CXXVI.

IN THE MATTER OF THE COMPLAINT OF R. E. GRINSTED AGAINST THE LAKE
SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY AND THE NEW YORK
CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS TO SHIPMENT OF
HORSES.

October 17, 1906.

This complaint, by R. E. Grinsted, of Sackett Harbor, against the Lake Shore and Michigan Southern Railway Company and the New York Central and Hudson River Railroad Company, was filed with this Board on July 11, 1906. It alleged delay in the shipment of horses to complainant from Elizabethtown, Ky., to Sackett Harbor; that the delay occurred in Buffalo and between Buffalo and Sackett Harbor; also that the horses arrived in bad condition. A copy of the complaint was sent to the companies, which answered in detail, and alleged that the delay at Buffalo was caused by the man in charge of the horses not having called at the office of the live stock agent of the New York Central and Hudson River Railroad Company to sign a release and present shipping contract identifying him as the person in charge of the shipment. A copy of the answer was sent to complainant, who replied, and the case was closed. (Case No. 3642.)

CXXVII.

IN THE MATTER OF THE COMPLAINT OF G. C. COTTON AGAINST THE BOSTON AND
MAINE RAILROAD AND THE RUTLAND RAILROAD COMPANY AS TO OPERATION
OF PASSENGER TRAINS BETWEEN BENNINGTON AND TROY.

October 17, 1906.

This complaint, by G. C. Cotton against the Boston and Maine Railroad and the Rutland Railroad Company as to operation of passenger trains between Bennington and Troy, was filed with this Board on October 8, 1906. A copy of the complaint was sent to the companies. The Boston and Maine Railroad Company answered that " * * * For the past few weeks the travel over that portion of our road has been unusual, and I presume the

same applies to the Rutland Railroad. With normal conditions we will unquestionably be able to keep these trains on good time." The Rutland Railroad Company also answered. Copies of the answers were sent to complainant and he was informed that this Board had recently recommended to the Boston and Maine Railroad that it double track its railroad between Troy and Johnsonville and install a block signal system, which will enable the better operation of trains. Complainant replied and the case was closed. (Case No. 3750.)

CXXVIII.

IN THE MATTER OF THE COMPLAINT OF THE OSSINING BOARD OF TRADE AGAINST THE WESTCHESTER TRACTION COMPANY, AS TO THE CONDITION OF ITS RAILROAD EQUIPMENT AND POWER-HOUSE.

Determination. October 31, 1906.

This complaint, by the Ossining Board of Trade, against the Westchester Traction Company, a street surface railroad operated in said village, was filed with this Board on September 28, 1906. A public hearing in the matter was given by this Board in New York city on Wednesday, October 31, 1906, at which Frank L. Young appeared for the complainants, and Robert E. Farley appeared for the company. A report as to the condition of the company's railroad equipment and power-house, made by the electrical expert of this Board, was filed with the Board on October 19th. At the hearing on the 31st inst. testimony was taken and counsel were heard.

From the testimony given and from the report of the electrical expert, it is conclusively shown that the road is in such a condition that it cannot be operated with safety. It is, therefore, ordered by this Board that all operations on this railroad shall cease until the engines, boilers and other machinery in the power-house, and the railroad and rolling stock of this company are put in a condition satisfactory to this Board.

At the time of writing this report this railroad is not in operation. (Case No. 3735.)

CXXIX.

IN THE MATTER OF A COMMUNICATION FROM THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

November 8, 1906.

On February 20, 1906, there was filed with this Board a communication from the New York State legislative board, Brotherhood of Locomotive Engineers, as to the use of flangers on locomotive engines hauling regular or extra trains. The principal railroad companies of the State were communicated with on this subject, and a public hearing in the matter was held by this Board in the city of New York on March 27, 1906. No definite action was taken by the Board in the matter to this date. (Case No. 3518.)

CXXX.

IN THE MATTER OF THE COMPLAINT OF THE CLAREMONT HEIGHTS PROPERTY OWNERS' ASSOCIATION AGAINST THE UNION RAILWAY COMPANY OF NEW YORK CITY.

November 8, 1906.

This complaint, by the Claremont Heights Property Owners' Association of New York city against the Union Railway Company of New York city, was filed with this Board on September 13, 1906. It alleged that the com-

pany should construct its railroad through Morris avenue, from One Hundred and Sixty-first street to the end of the line. A copy of the complaint was sent to the company, which answered that " * * * We desire to say that there are a number of applications pending before the local authorities of New York upon the question of extensions, and we presume that if they are acted upon favorably, it is the intention of our directors to authorize us to build those and any other uncompleted lines of the Union Railway system during the coming season." A copy of this answer was sent to complainant. No reply was received and the case was closed. (Case No. 3720.)

CXXXI.

IN THE MATTER OF THE COMPLAINT OF THE TOWN BOARD OF THE TOWN OF NEWFANE, NIAGARA COUNTY, AGAINST THE INTERNATIONAL RAILWAY COMPANY.

November 8, 1906.

This complaint, by the Town Board of the Town of Newfane, Niagara county, against the International Railway Company, was filed with this Board on September 29, 1906. It alleged that the track of the company in Mechanic street, in said town, was in poor condition so far as its use as part of the highway was concerned, and that the space between its rails should be filled. A copy of the complaint was sent to the company, which answered. After further correspondence the company informed this Board that the filling had been completed. A copy of the company's letter was sent to complainants, and no reply having been received the case was closed. (Case No. 3740.)

CXXXII.

IN THE MATTER OF THE COMPLAINT OF S. C. HUDEY AGAINST THE RUTLAND RAILROAD COMPANY.

November 8, 1906.

This complaint, by S. C. Hudey, of Malone, against the Rutland Railroad Company, was filed with this Board on October 6, 1906. It alleged poor passenger train connection on said company's railroad at Norwood. While it was pending, another complaint as to passenger train service generally on this company's railroad was filed with this Board, involving the matter complained of by Mr. Hudey and being pending before this Board at the time of writing this report. Mr. Hudey's complaint was closed. (Case No. 3748.)

CXXXIII.

IN THE MATTER OF THE COMPLAINT OF W. F. BAILEY AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC ON ITS BRIGHTON BEACH LINE ON SUNDAYS.

November 8, 1906.

This complaint, by W. F. Bailey, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on October 18, 1906. It alleged that the company did not run sufficient passenger cars to accommodate the public on its Brighton Beach line on Sundays. A copy of the complaint was sent to the company, which answered that " * * * The headway as stated by Mr. Bailey is twenty minutes, and a count of passengers at the Franklin Avenue and Fulton Street station shows that in some instances the five-car trains during the afternoon hours had more than seated loads; the day being

pleasant, the riding for this season of the year was above normal. However, we expect very shortly to put into effect a new Sunday schedule and operate the trains on a fifteen-minute headway and this, taking into account the natural falling off in riding, should amply meet the requirements of traffic. The new schedule takes effect to-morrow, November 4th. A copy of this answer was sent to complainant, who replied that "I believe that the fifteen-minute headway will be an increased convenience to the public." The case was closed. (Case No. 3771.)

CXXXIV.

IN THE MATTER OF THE COMPLAINT OF JOHN ALLAIRE AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO ITS NOT RUNNING CARS IN THE MORNING AND EVENING HOURS FROM THE THIRTY-NINTH STREET FERRY TO ULMER PARK, BROOKLYN.

November 8, 1906.

This complaint, by John Allaire, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on June 22, 1906. It alleged that the company did not run cars (as it had theretofore agreed) in the morning and evening hours from the Thirty-ninth street Ferry to Ulmer Park. A copy of the complaint was sent to the company, which answered that " * * * The complaint filed by Mr. John Allaire with the Board served to bring about a very thorough investigation of this line and a readjustment of the schedules, which we believe will give satisfaction to our patrons. It appeared that there was not, in all probability, sufficient service in the early morning hours, and particularly after Sundays and holidays when we were rather short of trainmen. As stated above, the necessary remedy has been applied." A copy of this answer was sent to complainant, who replied stating that the cause of complaint had been removed. On October 11th, complainant again wrote this Board that the company had discontinued the service in question. After correspondence with the company the service in question was restored and the case was closed. (Case No. 3620.)

CXXXV.

IN THE MATTER OF THE COMPLAINT OF S. J. WILSON AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

November 8, 1906.

This complaint, by S. J. Wilson, of Geneva, against the New York Central and Hudson River Railroad Company, was filed with this Board on October 16, 1906. It alleged that the company in the course of work upon its railroad had filled up a drain pipe on the farm of complainant, which filling obstructed the flow of water from complainant's lands. A copy of the complaint was sent to the company, which answered that the matter complained of had been remedied. Complainant notified this Board to the same effect and the case was closed. (Case No. 3761.)

CXXXVI.

IN THE MATTER OF THE COMPLAINT OF LEWIS L. YOUNG AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC ON ITS BRIGHTON BEACH LINE.

November 8, 1906.

This complaint, by Lewis L. Young, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on October 26, 1906.

It alleged that the service rendered the public on the Brighton Beach line of said company was not sufficient. A copy of the complaint was sent to the company, which answered that " * * * Mr. Young is in error in his statement that the headway is fifteen minutes in the morning hours between 8:00 and 9:00 a. m. Mr. Young resides in the vicinity of the Avenue C station and five-car trains are scheduled to leave that point bound toward the Bridge as follows:

A. M.	A. M.
7:43	8:16
7:49	8:23
7:58	8:32
8:04	8:44
8:10	8:50

The fifteen-minute interval begins at 8:44 a. m. and continues until the rush hours of the evening. While there are occasional delays and broken headways on the Brighton Beach line during the morning hours, they are occasioned by the extensive improvement work carried on under the Brighton Beach Grade Crossing Act, which makes necessary single track operation between Beverly road and Avenue D, and our investigations of traffic indicate that the schedule arranged for that line meets the requirements. The observations of three of the force of this office are that the service operated is in the main adequate and, taking into consideration the conditions existing on the line, there is little just cause for complaint." A copy of this answer was sent to complainant, a report in the matter was made by the electrical expert, and the case was closed. (Case No. 3778.)

CXXXVII.

I THE MATTER OF THE COMPLAINT OF LOUIS H. GEIN AGAINST THE UNION RAILWAY COMPANY, OF NEW YORK CITY, AS TO NON-OPERATION OF ITS RAILROAD FROM TWO HUNDRED AND FORTY-SECOND STREET TO KINGSBRIDGE, NEW YORK CITY.

November 8, 1906.

This complaint, by Louis H. Gein, of New York city, against the Union Railway Company, of New York city, was filed with this Board on May 17, 1906. It alleged that the company did not operate its railroad on its route from Two Hundred and Forty-second street to Kingsbridge. It appeared from correspondence with the company and at the hearing that the reason why this part of the route was not operated was that a sewer had been in course of construction and the tracks had necessarily been removed pending its completion. The line has been reconstructed and, at the time of writing this report, is in operation. (Case No. 3581.)

CXXXVIII.

IN THE MATTER OF THE COMPLAINT OF THE CITIZENS' IMPROVEMENT LEAGUE OF KENSINGTON, PARKVILLE AND VICINITY AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO SERVICE RENDERED THE PUBLIC.

November 8, 1906.

This complaint, by the Citizens' Improvement League of Kensington, Parkville and Vicinity, against the Brooklyn Heights Railroad Company, was filed with this Board on December 30, 1905. It alleged that " * * * During the summer months the Brooklyn Rapid Transit operated cars over Gravesend avenue tracks, Reid avenue from Williamsburg bridge, Tompkins avenue from

Broadway ferry, Union street from Manhattan by Brooklyn Bridge, Fifteenth street from Hamilton ferry, Vanderbilt from Manhattan, Lorimer from Greenpoint, besides the "L" trains, all to Coney Island. About October 1st all these cars were taken off except the "L" trains. A committee of twenty-five, appointed at a mass meeting of our citizens, waited on the officials of the Brooklyn Rapid Transit and requested that the Reid avenue cars be continued; also that the Court street cars be allowed to run in order to accommodate our people who wish to reach points in Brooklyn, east or west, and to connect with other trolley cars. We also requested that shelters be placed at Eighteenth avenue and Gravesend, and Church avenue and Gravesend avenue. Our requests were denied. Now a vast and thickly populated section of Brooklyn is deprived of proper transit facilities, and our people have no means of reaching desired places in our city save by taking an "L" train. This is not only inconvenient, but outrageous, because of long delays, frequent transfers, long waits in sleet and snow and cold, and transfers at points where there are no shelters. We respectfully call this to the attention of your Board, hoping thereby that some action will be taken to compel the Brooklyn Rapid Transit to run through cars on Court street and Reid avenue to our section. Our request is not unreasonable. The railroad company runs these cars on Sunday to accommodate people from Manhattan who wish to go to the cemetery or Coney Island. We think our people who patronize the road six days in the week should be treated with some consideration, and the cars run in a manner to afford conveniences for our people to reach places of business and their homes." A copy of the complaint was sent to the company, which answered that " * * * In reply to their complaint respecting service on Gravesend avenue, I beg to advise that a continuing trip ticket is issued from the trains of the Sixteenth Avenue trolley car and the Church Avenue trolley car, which enables people of Parkville and Kensington sections to reach the various sections of the borough of Brooklyn for one five-cent fare. We have, as stated, been operating Reid avenue cars through Gravesend avenue as far south as Avenue P on Sundays, but the traffic is so very light that we shall discontinue this service. We have taken account of the business on week days, but it does not justify the operation of the service requested. We have recently made a contract for the erection of a commodious waiting room at the junction of Sixteenth and Gravesend avenues, which will be completed the latter part of next month and put to use." A copy of this answer was sent to complainants, who replied. A report in this matter was made by an inspector of the Board, and the Board recommended to the company that

"(1) That shelter stations be provided by the Brooklyn Heights Railroad Company at Gravesend avenue and Eighteenth avenue. Also at Gravesend avenue and Church avenue, for the comfort of waiting and transferring passengers.

"(2) That a twenty-minute through car service via either the Court street, Seventh avenue, or Ninth avenue lines be given from Twentieth street south on Gravesend avenue to Sixteenth avenue."

The company replied to these recommendations as follows:

" * * * We believe, with the Board, that a shelter station at Gravesend and Church avenues would be appreciated by the people making use of those lines and have, therefore, arranged to have a waiting car placed at this point. So far as the intersection of Gravesend and Eighteenth avenues is concerned, there is no ground available at this point for installation of a car as suggested. We are forced to conclude from a thorough investigation and most careful consideration that the extension of either the Court street, Seventh avenue, or Ninth avenue lines on a twenty-minute interval to Sixteenth avenue, as recommended, would meet with approval of the traveling public. This service is proposed for the purpose of giving through service without transfer in place of present 'buffalo' service to which we transfer either at Seventh or Ninth avenues. On account of the ordinary vicissitudes of travel, and in particular at the present inclement season, service on such long headway would be extremely irregular and unsatisfactory. As an alternative, and, we believe, a betterment, we have arranged to have conductor of the Six-

teenth avenue 'buffalo,' which now runs between Fifty-eighth street, Sixteenth avenue, Kensington and Seventh avenue issue continuing trip tickets, thus giving residents of this locality service via trolley lines exclusively to or from any section of Brooklyn for one fare. We trust that the plan above outlined will be accepted as an earnest of our intention to comply with the spirit of the recommendations of your honorable Board."

Subsequently and under date of March 30, 1906, the electrical expert reported as follows:

"* * * In the investigation of this complaint, a conference was arranged between representatives of the Citizens' Improvement League and the officials of the Brooklyn Heights Railroad Company. This conference was held at the office of the railroad company, Wednesday, March 14, 1906, and was attended by T. De Quincy Tully, president of the Citizens' Improvement League; H. S. Kern, secretary of the Citizens' Improvement League; Andrew Klam, chairman terminal facilities, Citizens' Improvement League; H. E. Fuller and L. Geoghegan, members of the league; J. F. Calderwood, general manager; D. S. Smith, general superintendent, for the Brooklyn Heights Railroad Company. Your representative was also present. Submitted is a copy of the proceedings of the above-mentioned conference, the result of which was an agreement entered into on the part of the company officials and the gentlemen representing the Improvement League as follows: 'It is agreed on the part of the company to operate a through car on the Reid avenue line, running through to Kings Highway on a twenty-minute headway, from 6 a. m. to midnight. This operation to be commenced Monday, March 19, 1906.' Each representative of the Improvement League approved the result of the conference. Monday, March 19, 1906, it was found that the Reid avenue car was being operated in accordance with the above agreement."

On October 18, 1906, this Board informed the company that 'it appeared that the Reid avenue line of cars through this district had been discontinued, and recommended that this line be restored not later than October 22d. The company informed the Board this recommendation would be complied with. Complainants were notified of this recommendation. On October 30, 1906, this Board recommended to the company that all trains operated to and from Kensington station, on the Culver line, during the morning and evening rush hours should consist of five cars. The company informed the Board that this recommendation would be complied with beginning November 1st. Complainants were notified of this recommendation. November 1, 1906, this Board recommended to the company,

"(1) That the Brooklyn Heights Railroad Company issue a special transfer ticket good outbound on any Reid avenue or Church avenue car.

"(2) That the Brooklyn Heights Railroad Company place a conductor on each elevated car operated on the Culver line during the morning and evening rush hours.

"(3) That a record of detention of over two minutes to Culver trains at the Thirty-sixth street station be kept, and that monthly records of such detentions be furnished the Board of Railroad Commissioners, with causes for the same."

The company informed the Board these recommendations had been complied with. Complainants were informed of these recommendations. The case was closed. (Case No. 3476.)

CXXXIX.

IN THE MATTER OF THE CLEANING OF PULLMAN CARS.

November 9, 1906.

On inquiry of the Pullman company as to its method of cleaning cars, the following letter was sent to this Board:

"THE PULLMAN COMPANY.

"Office of the Superintendent of Sanitation.

"Dr. THOMAS R. CROWDER, *Superintendent.*

"CHICAGO, November 6, 1906.

"Mr. J. S. KENNEDY, *Secretary Board of Railway Commissioners, State of New York, Albany, N. Y.:*

"DEAR SIR.—Your letter of the 30th ultimo to Mr. J. C. Yager, assistant general superintendent, asking for information of the methods employed by The Pullman Company in cleaning its cars, has been referred to me for reply.

"The maintenance of sanitary conditions is of great importance to the company, as it is to the public. In the attempt to meet the demands of modern hygiene the procedures as at present carried out are detailed in the following:

"In all Pullman cars built within the last six or seven years, carvings have been done away with and replaced by marquetry (or inlaid work), angles and corners have been rounded and ledges and dirt-catching crevices, as far as possible, have been eliminated. These various changes in construction being made to obtain flat surfaces which will not retain dust, and, therefore, can be more thoroughly and expeditiously cleaned.

"The floor of the body of the car is made of an impervious cement (monolith)—dust-proof and nonabsorbent. This is covered during service with a removable carpet. The floors of smoking rooms, wash rooms, closets and vestibules are covered with permanent rubber tiling, and no carpet is used on them. The walls of the closets are covered with thin rubber wainscoting, heavily enameled in white, which is nonabsorbent and impervious to moisture. This is used to render any soiling immediately visible and so insure a cleanly condition.

"Draperies have been done away with so far as possible, there being but two portieres in a car, one at the entrance to the women's lavatory and the other at the entrance to the smoking room or men's lavatory, in both of which places a screen of that sort is necessary.

"Woolen fabrics for window blinds have been replaced by pantasote, a smooth imitation leather with a hard silk face.

"The berth curtains are made of a specially prepared mohair fabric, which is woven as thinly as its use will permit, and so loosely that it can be easily blown out with compressed air and cleaned, as well as allow of free diffusion of air through it, thus aiding berth ventilation.

"Water for the washstands and closets is distributed by air pressure from supply tanks carried under the body of the car. All waste pipes are fitted with traps to prevent the entrance of dust and dirt from beneath. Modern porcelain water-flushed hoppers are used in the closets. The best water obtainable is supplied to the drinking tanks, and they are cooled by ice from approved sources, which is handled with tongs, and kept free from contamination. The tanks are scoured and steamed with each cleaning of the car at its terminal station.

"Clean bed linen is furnished every night, and no sheet is ever applied twice without washing, even though it may have been placed only in an unoccupied berth. Three sheets are furnished to each berth, one covering the mattress, one on the under side of the blankets, and one covering the blankets above. The lower blanket sheet is made 108 inches long, allowing an ample

margin to fold back over the upper end of the blanket, thus encasing the blankets in linen and avoiding any contact between them and the berth occupant; and they are protected as well from ordinary dust and dirt. The blankets are sunned and aired with each cleaning of the car, weather conditions permitting, and are frequently dusted with an air blast under eighty pounds or ninety pounds pressure. They are frequently inspected, are at once removed from cars when they show any sign of being soiled, and are renovated in the shops from time to time by special process.

"The cleaning is done chiefly at the terminal stations where a car is laid out of service for twelve to twenty-four hours or longer, depending on traffic conditions. During the trip the porter does only such cleaning as is necessary to maintain a presentable appearance and a sanitary condition. He is not allowed to do any dry dusting or dry sweeping. When dusting is necessary a moist cloth is used; when the floor becomes littered he uses a brush and dustpan; if cuspidors become contaminated he rinses and replaces them; if the floor or carpet becomes soiled by spitting or other accident, he cleans it and moistens the area with a disinfectant solution which is always carried in the car.

"At the end of each round trip of cars whose schedule covers only one-night runs and at both terminal points of those making longer journeys systematic cleaning is carried out. Soon after its arrival in the cleaning yards a gang of cleaners, trained to their work under the direction of a foreman, take charge of a car. The doors, window and deck sashes are opened and kept open as long as possible to allow of free circulation of air through the body of the car. The carpet is then taken up and removed to a slatted platform at some distance where the dust is effectually removed. At most places this is done by means of an air blast under eighty pounds to ninety pounds pressure. Then the body of the car is blown out with a similar blast, the whole surface being gone over carefully. This dislodges practically all dust, and while a small portion inevitably settles back into place, by far the larger part floats out through the open windows. Then the seats and backs are removed to racks outside of the car where they are similarly dusted. After this the upper berths, which are practically dust-proof when closed, are opened and the bedding is removed to outside racks where it is exposed to the air and sun, and dusted and cleaned before replacing.

"The floors of aisles, smoking rooms, closets and vestibules are scrubbed with soap and hot water, after which they are mopped with a 1 per cent. solution of formaldehyde. Wash basins, closets, sinks and cuspidors are similarly treated.

"After the bedding is replaced, the woodwork is all wiped and polished, the carpet replaced, and when the car is considered clean, berths are left open for airing until just before the time of the car's departure on its next trip.

"Such are the general measures undertaken to insure sanitary cleanliness of the cars at all times. Special measures are provided more directly relating to the prevention of infection and to care for the traveling sick.

"Instructions to employees provide that they shall not admit to the cars any person known to be afflicted with a contagious disease. The enforcement of this rule, however, is very difficult. A traveler may be infected and still be in apparent good health, or the recognizable symptoms may develop during a long journey. If a sick person is carried, however, the car is then fumigated at the end of the trip, the bedding of the berth occupied is removed for the renovation and replaced by new material. In addition, the instructions are explicit that the berths occupied by consumptives or those afflicted with any other infectious disease must not be resold, if vacated en route, until the car has reached its terminal, and has been thoroughly disinfected. In all cases where a passenger develops a serious disease of admittedly contagious character, such as smallpox, the car is taken out of service and turned over to the local health authorities, and is not then used until a clean bill of health is given officially.

"No car belonging to The Pullman Company is allowed to go without fumigation longer than thirty days, regardless of its being reported as carrying

sick passengers. Cars operated to resorts frequented by persons seeking relief from tuberculosis are fumigated weekly or oftener, many of them every trip.

"Cars are fumigated as soon after reaching the terminal as possible, and before the cleaning process is begun. The berths are opened and the mattresses, blankets, pillows and curtains are loosely hung and spread about so that practically all surfaces are exposed. The carpet is left in place and the seats are left uncovered. All windows, ventilators and doors are then tightly closed, and the disinfecting gas is developed from three pints of a 40 per cent. solution of formaldehyde poured into three galvanized iron buckets in different parts of the car, and each containing one-half pound of crude permanganated potassium. The car is left closed a minimum of three hours, when it is opened widely for airing and the cleaning proceeds as described above. This method of fumigation has been found the most satisfactory of any so far used. Its simplicity and rapidity are its recommendation, and bacteriological tests have proven this method to be more efficient than other ways of using formaldehyde.

"In case of epidemics of contagious disease in any part of the country, such special precautionary fumigation and whatever other measures seem advisable, either to the local health authorities or to the superintendent of sanitation for the company, are immediately ordered carried out. This will, of course, vary with the conditions to be met.

"Such are the important items of our present sanitary system. If there are points in it not clear to you, or on which you desire further information, please advise me.

"Yours very truly,

"(Signed)

T. R. CROWDER,

"Supt. of Sanitation."

(Case No. 3796.)

CXL.

IN THE MATTER OF THE HEIGHT OF CAR STEPS ON STREET SURFACE RAILROADS.

November 9, 1906.

In the matter of the height of car steps on street surface railroads, the electrical expert, under date of October 25, 1906, reported to this Board as follows: "In the matter of the height of car steps, in compliance with a request of your representative made to the New York State Street Railway Association in convention at Saratoga June 26 and 27, 1906, this matter was referred to a special committee of the association, which reported at a quarterly meeting held in Albany September 19, 1906. The report of this committee was to the effect that the maximum height of car steps above the rail on all closed cars for suburban and interurban service should be seventeen inches; the next step not to exceed fourteen inches; the step from car platform into car not to exceed ten inches. This report was made by practical railway managers, after a thorough investigation of the subject, and on account of the limitations caused by modern equipment, seventeen inches was considered as low a step as possible under the circumstances. A height of seventeen inches of car step from the rail does not meet the requirements of comfort and convenience, especially for aged or infirm people, and while there is no disposition to criticize the decision of the committee, or the action of the association in adopting such a standard, the above-mentioned requirements necessitate a lower step, and efforts will be continued to bring about such a result." (Case No. 3780.)

CXLI.

IN THE MATTER OF THE COMPLAINT OF THE WEST SIDE TAXPAYERS' ASSOCIATION AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Determination. October 31, 1906.

This complaint, by the West Side Taxpayers' Association, of New York city, against the New York Central and Hudson River Railroad Company, was filed with this Board September 29, 1906. It refers to the failure of the New York Central to comply with the recommendations of the Board of Railroad Commissioners for the better regulation of traffic on Eleventh avenue, borough of Manhattan, N. Y.

A hearing in the matter was given by this Board in the city of New York on October 30, 1906, at which Henry G. Schneider appeared for the complainants. A. H. Harris appeared for the New York Central and Hudson River Railroad Company.

After careful consideration of the statements made and evidence submitted, the Board have come to the conclusion that some changes are advisable in their original findings.

It is, therefore, recommended to the New York Central and Hudson River Railroad Company:

(1) That its freight trains on Eleventh avenue, New York city, between Thirtieth and Sixtieth streets, shall not consist of more than twenty cars.

(2) That no freight train shall be started from the Sixtieth street yard for the Thirtieth street yard until it is known at the Sixtieth street yard that there will be room in the Thirtieth street yard for the reception of said train. Also that no freight train be started from the Thirtieth street yard for the Sixtieth street yard until it is known at the Thirtieth street yard that there will be space in the Sixtieth street yard for the reception of said train. This recommendation is imperative and is to be construed strictly.

(3) That between the hours of 6:45 and 7:15 a. m., 8:30 and 9 a. m., and 12 m., and 1 p. m., 3 to 3:20, and 4:45 to 5:15 p. m. no freight trains shall be operated on Eleventh avenue.

(4) That a flagman be stationed by the company between Thirty-sixth and Thirty-seventh street to take care of both crossings. That a flagman be stationed at Forty-fourth street. Also that a flagman be stationed between Forty-fifth and Forty-sixth streets to care for both crossings. Also that a flagman be located between Forty-seventh and Forty-eighth streets to care for the two crossings. We also recommend that the flagman stationed at Fiftieth street be directed to care for the crossing at Forty-ninth street.

These recommendations to take effect Monday, November 5, 1906.

See next following determination. (Case No. 3322.)

CXLI.

IN THE MATTER OF THE COMPLAINT OF THE WEST SIDE TAXPAYERS' ASSOCIATION AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Determination. November 9, 1906.

In the matter of the complaint of the West Side Taxpayers' Association, of New York city, against the New York Central and Hudson River Railroad Company, in reference to the operation of freight trains on Eleventh avenue, New York city, the Board of Railroad Commissioners on October 31, 1906, made recommendations with a view of relieving the danger incident to the operation complained of, among others the following:

(1) That its freight trains on Eleventh avenue, New York city, between Thirtieth and Sixtieth streets shall not consist of more than twenty cars.

(2) That no freight trains shall be started from the Sixtieth street yard for the Thirtieth street yard until it is known at the Sixtieth street yard

that there will be room in the Thirtieth street yard for the reception of said train. Also that no freight train be started from the Thirtieth street yard for the Sixtieth street yard until it is known at the Thirtieth street yard that there will be space in the Sixtieth street yard for the reception of said train.

(3) That between the hours of 6:45 and 7:15 a. m., 8:30 and 9 a. m., 12 m. and 1 p. m., 3 and 3:20 p. m., 4:45 and 5:15 p. m. no freight trains shall be operated on Eleventh avenue.

The above recommendations were made after a thorough investigation of the conditions existing on Eleventh avenue. They were considered necessary for the safety and convenience of the people in that section of New York city. The company complied with them with the result that they were unable to handle the necessary freight traffic between Sixtieth and Thirtieth streets.

The operation on Eleventh avenue is a necessity to the business interests of this city and must be maintained. The physical conditions are such that this operation is attended with considerable danger to the residents of that section of the city. It is not in the power of the Railroad Commission to alter or change the physical conditions, but they have made recommendations for all possible safeguards, including flagmen at each crossing, etc., with which the company has complied.

While the above recommendations referring to the number of cars in trains, to the hours during which they should be operated, and the detail of operation in reference to not starting trains from one point until there was room at the other terminal for their reception, were considered necessary for the safety and convenience of the people on and in the vicinity of Eleventh avenue, it was found in actual operation that the traffic could not be handled with the above restrictions, and in view of the importance of the movement of freight between the hours mentioned to the commercial interests of this city, the Board deems it necessary to modify its recommendations Nos. 1, 2 and 3, and makes the following recommendations, as affected by the above former recommendations:

Recommendations.

(1) That its freight trains on Eleventh avenue, New York city, run between Thirtieth and Sixtieth streets between the hours of 8 a. m. and 9 p. m., shall not consist of more than twenty-five cars, excepting that in order to subserve the business interests and to insure prompt delivery of perishable or dairy freight or live stock, trains of this class of freight may be run consisting of more than twenty-five and not to exceed thirty cars.

(2) That no freight train shall be started from the Sixtieth street yard for the Thirtieth street yard until it is known at the Sixtieth street yard that there will be room in the Thirtieth street yard for the reception of such train. Also that no freight train be started from the Thirtieth street for the Sixtieth street yard until it is known at the Thirtieth street yard that there will be space in the Sixtieth street yard for the reception of such train, excepting that it is understood that after a train has been started from either yard conditions may arise in the other which will prevent the immediate entrance of the train into that yard. Delays to trains from such causes must not occur, except in cases of absolute emergency.

(3) That between the hours of 8:25 and 8:55 a. m., 11:50 a. m. and 12:55 p. m., 2:50 and 3:10 p. m. no train be started from the Sixtieth street or the Thirtieth street yard, except trains of live stock, which may run subject to the regulations of the board of health which prohibits such trains being held in the yard for one hour at midday.

While the Board considers the above modification of its previous recommendations necessary for the movement of the freight traffic on Eleventh avenue, it fully realizes the danger incident to such operation and insists on compliance with its former recommendation No. 4, which will practically result in having each street crossing protected by a flagman, and it considers this protection of such importance that it is further recommended that a supervising flagman be employed whose duty it shall be to see that the flagmen stay stationed and properly performing their duties.

See next following modified determination and preceding determination. (Case No. 3322.)

CXLIII.

IN THE MATTER OF THE COMPLAINT OF THE WEST SIDE TAXPAYERS' ASSOCIATION AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Modified determination. December 5, 1906.

On November 9, 1906, this Board issued certain recommendations to the New York Central and Hudson River Railroad Company in relation to the operation of freight trains on Eleventh avenue, New York city. The third recommendation, as to trains not being operated during certain hours, does not specifically state whether or not it applies to Sundays as well as weekdays. A letter on this subject dated December 2, 1906, has been received by the Board from the company, and it seems to this Board that this recommendation, so far as Sunday is concerned, should be modified so that on Sunday the use of the avenue by freight trains shall be restricted but between the hours of 10 a. m. and noon, and said recommendation is hereby modified in said respect.

See the two immediate preceding determinations. See p. 25, 1st vol. R. R. Com. Report, 1905. (Case No. 3322.)

CXLIV.

IN THE MATTER OF THE COMPLAINT OF CHARLES L. EGNER AGAINST THE FORTY-SECOND STREET, MANHATTANVILLE AND ST. NICHOLAS AVENUE RAILWAY COMPANY, AS TO TRANSFERS.

November 22, 1906.

This complaint, by Charles L. Egner, of New York city, against the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company was filed with this Board on November 10, 1906. It is as follows: "Would you kindly advise me what the law is on elevated railroad to surface car transfers? The case is this: I buy an eight-cent elevated transfer on the Third Avenue elevated, going south. I get off at Forty-second street and board a Forty-second street crosstown car, going west. I tender my three-cent transfer and at the same time ask the conductor for a transfer to Eighth avenue. The conductor refuses to give me one. I claim I am entitled to a transfer on this three-cent transfer, because it is a cash fare (three cents): * * *." A copy of the complaint was sent to the company which answered that " * * * The Forty-second street, Manhattanville and St. Nicholas Avenue Railway Company is a distinct and separate corporation, and as such is under no obligation to issue transfers to the lines of the New York City Railway Company. Furthermore, there is no agreement between the two companies providing for the issuance of surface transfers to persons who have presented elevated railway transfers in payment of fare, and the conductor of the Forty-second street car, ho declined to issue the transfer under the circumstances involved in the instance cited by Mr. Egner, was apparently endeavoring to comply with the instructions which he has received. In this connection I would call your attention to the fact that transfers issued by conductors of the crosstown cars are valid for fare either northward or southward on intersecting longitudinal lines, and the issuance of such a transfer to a person who had tendered an elevated railway transfer in payment of fare would render it possible for the recipient to return to his starting point regardless of what part of Manhattan Island that might be, thus affording an opportunity for extensive imposition." A copy of this answer was sent to complainant and no reply having been received the case was closed. (Case No. 3901.)

CXLV.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF HONEOYE FALLS AGAINST THE LEHIGH VALLEY RAILROAD COMPANY, AS TO PASSENGER TRAINS BEING LATE.

November 22, 1906.

This complaint, by residents of Honeoye Falls against the Lehigh Valley Railroad Company was filed with this Board on October 29, 1906. It alleged that passenger trains on the Lehigh Valley railroad, between Honeoye Falls and Rochester, were very often late, particularly the train due to arrive at Rochester 6:35 a. m. A copy of the complaint was sent to the company which answered that improvements in the passenger train service between East Henrietta and Rochester would be made in the new time table taking effect November 18, which would also improve the service from Honeoye Falls. A copy of this answer was sent to complainants and no reply having been received the case was closed. (See matter of complaint of residents of East Henrietta against the Lehigh Valley Railroad Company under this title in this volume.) (Case No. 3784.)

CXLVI.

IN THE MATTER OF THE COMPLAINT OF FRED FEAR AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY, IN RELATION TO THE OPERATION OF THE FULTON STREET ELEVATED LINE.

November 22, 1906.

This complaint, by Fred Fear, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on October 22, 1906. It alleged that the Brooklyn Heights Railroad Company, on its Fulton street elevated line, had lengthened the schedule of its trains and reduced the number of cars in trains from six to five. A copy of the complaint was sent to the company which answered that " * * * The service has not been reduced, as stated by Mr. Fear. On the contrary, all of the trains during the commission hours operating between the bridge and Ralph avenue are six-car trains, while last year only five-car trains were operated. Besides this the express trains on the Fulton street line, which were last year operated with five cars, are now composed of six cars. Delay in making reply to your communication has been caused by a careful passenger count, the result of which shows ample service." A copy of this answer was sent to the complainant who replied, "I would state that he is wrong in regard to six-car trains being run during the summer months. I will grant, however, that they are now running, and in view of that fact and that the result is accomplished, I beg to thank you very much for your courtesy in this matter." The case was closed. (Case No. 3772.)

CXLVII.

IN THE MATTER OF THE COMPLAINT OF GEORGE C. HARTIN & SON, OF MAYFIELD, AGAINST THE FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY AND THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, AS TO FREIGHT RATES.

November 22, 1906.

This complaint, by George C. Hartin & Son, of Mayfield, against the Fonda, Johnstown and Gloversville Railroad Company and the New York Central and Hudson River Railroad Company, was filed with this Board on October 30, 1906. It alleged that the rate charged by said companies on shipment

of a case of notions from Albany to Mayfield was excessive. Copies of the complaint were sent to the companies. The Fonda, Johnstown and Gloversville Railroad Company answered that: "Referring to your favor of the 30th ultimo, relative to complaint of George C. Hartin & Son of Mayfield, N. Y., I beg to say that I find the rate of twenty-seven cents per 100 pounds, as charged upon this shipment, is in accordance with the published rates, as shown printed tariffs, which have been in force a long time." A copy of this answer was sent to complainants. The New York Central and Hudson River Railroad Company answered that: " * * * The shipment in question was rated at the regular first-class rate applying through from Albany, which rate is constructed on basis of our local rate of seventeen cents from Albany to Fonda, plus local rate of ten cents of the Fonda, Johnstown and Gloversville railroad from Fonda to Mayfield." The complainants replied to both answers. After consideration, the Board determined not to proceed further in the matter and the case was closed. (Case No. 3783.)

CXLVIII.

IN THE MATTER OF THE COMPLAINT OF S. A. PENNY, OF ILION, AGAINST THE ONEONTA AND MOHAWK VALLEY RAILROAD COMPANY, AS TO HEATING OF CARS.

November 22, 1906.

This complaint, by S. A. Penny, of Ilion, against the Oneonta and Mohawk Valley Railroad Company, was filed with this Board on October 17, 1906. It is dated October 18th and alleged that up to that time the company had neglected to heat its cars. A copy of the complaint was sent to the company which answered that " * * * during the cold spell, at the time Mr. Penny complains of, the hot-water heating apparatus in our cars was being overhauled. Some of the cars at that time were heated and some were not. All of the cars, however, are now heated whenever the conditions of the weather are such as to demand it." A copy of this answer was sent to complainant. After further correspondence the company informed the Board that "all of the cars on this road are now heated and have been since October 24th." The case was closed. (Case No. 3765.)

CXLIX.

IN THE MATTER OF THE COMPLAINT OF GEORGE M. FRANKLIN AND OTHERS OF EAST HENRIETTA AGAINST THE LEHIGH VALLEY RAILROAD COMPANY AS TO DELAY OF PASSENGER TRAINS.

November 22, 1906.

This complaint, by George M. Franklin and others of East Henrietta against the Lehigh Valley Railroad Company, was filed with this Board on October 9, 1906. It alleged that trains on said company's railroad between the village of East Henrietta and the city of Rochester were apt to be late, especially the train due in Rochester at 6:35 a. m. After correspondence with the company it informed the Board that " * * * On our new time-table taking effect Sunday, November 18th, we have adjusted the time of some of our trains, so that our Rochester train will be able to make a better schedule." A copy of this answer was sent complainants and nothing further having been heard from complainants the case was closed. See matter of residents of Honeoye Falls under this title in this volume. (Case No. 3752.)

C.L.

RECOMMENDATIONS TO THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO
INCREASED SERVICE ON THE ELEVATED RAILROADS AND SURFACE RAILROADS
OPERATED BY SAID COMPANY.

Determination. December 4, 1906.

In view of the steadily increasing travel on the elevated and surface lines operated by The Brooklyn Heights Railroad Company and the probable additional increase of travel during the approaching holiday season, the following recommendations are made:

Recommendations.

That The Brooklyn Heights Railroad Company cause the service furnished on their different lines to be increased as follows:

Elevated Lines.

Fulton Street Line, leaving City Line: That four-car trains instead of three-car trains be operated from 9:44 a. m. to 2:44 p. m., inclusive.

That five-car trains be operated instead of four-car trains from 2:51 p. m. to 3:37 p. m., inclusive.

That five-car trains be operated instead of four-car trains from 6:50 p. m. to 7:21 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 7:29 p. m. to 10:42 p. m., inclusive.

Lexington Avenue Line, leaving Cypress Hills: That four-car trains be operated instead of three-car trains from 9:39 a. m. to 3:02 p. m., inclusive.

That five-car trains be operated instead of four-car trains from 3:09 p. m. to 3:17 p. m., inclusive.

That five-car trains be operated instead of four-car trains from 6:38 p. m. to 7:01 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 7:09 p. m. to 9:31 p. m., inclusive.

That three-car trains be operated instead of two-car trains from 9:39 p. m. to 10:39 p. m., inclusive.

Ridgewood Line, leaving Metropolitan Avenue: That three-car trains be operated instead of two-car trains from 9:12 a. m. to 3:12 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 3:52 p. m. to 4:33 p. m., inclusive.

That three-car trains be operated instead of two-car trains from 7:12 p. m. to 9:30 p. m., inclusive.

Canarsie Line, leaving Canarsie: That three-car trains be operated instead of two-car trains from 8:33 a. m. to 3:18 p. m., inclusive.

That four-car trains be operated instead of two-car trains from 3:33 p. m. to 4:31 p. m., inclusive.

That three-car trains be operated instead of two-car trains from 7:48 p. m. to 9:48 p. m., inclusive.

Broadway Line, leaving Van Sicklen avenue: That three-car trains be operated instead of two-car trains from 8:32 a. m. to 3:23 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 3:38 p. m. to 4:50 p. m., inclusive.

That three-car trains be operated instead of two-car trains from 7:53 p. m. to 9:53 p. m., inclusive.

Bay Ridge Line, leaving Sixty-fifth street: That four-car trains be operated instead of three-car trains from 9:15 a. m. to 10:37 a. m., inclusive.

That three-car trains be operated instead of two-car trains from 10:45 a. m. to 1 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 3:22 p. m. to 4:22 p. m., inclusive.

West End Line, leaving Ulmer Park: That three-car trains be operated instead of two-car trains from 10:27 a. m. to 2:57 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 6:42 p. m. to 7:42 p. m., inclusive.

That three-car trains be operated instead of two-car trains from 7:57 p. m. to 10:57 p. m., inclusive.

Culver Line, leaving Culver Depot: That three-car trains be operated instead of two-car trains from Kensington from 9:02 a. m. to 3:57 p. m., inclusive.

That three-car trains be operated instead of two-car trains from Kensington from 7:47 p. m. to 10:47 p. m., inclusive.

Brighton Beach Line, leaving Culver Depot: That four-car trains instead of three-car trains be operated from 9:53 a. m. to 2:53 p. m., inclusive.

That four-car trains be operated instead of three-car trains from 6:23 p. m. to 7:38 p. m., inclusive.

That three-car trains be operated instead of two-car trains from 7:53 p. m. to 12:50 a. m., inclusive.

That the following additional service on Saturdays be furnished: Lexington avenue, Fulton street, Bay Ridge, and Brighton Beach Lines.—That five-car trains be operated instead of four and three-car trains from 12:45 p. m. to 3:30 p. m.

That the *Ralph Avenue short line train* be operated on the Fulton street line, starting at 4 p. m. instead of 5 p. m.

That the *Ridgewood, Culver, West End, Broadway, and Canarsie* lines be operated with four-car trains instead of three-car trains from 12:45 p. m. to 3:30 p. m.

Surface Lines.

That the service on the following lines be increased as follows:

Flatbush Avenue.—That between the hours of 9 a. m. and 1:24 p. m. the headway of cars leaving Nostrand and Flatbush avenues be three and one-half instead of four minutes.

That between the hours of 1:24 p. m. and 1:40 p. m. it be two minutes as at present.

That between the hours of 1:40 p. m. and 3:52 p. m. it be three minutes instead of four minutes.

Eighth Avenue Line.—That between the hours of 9 a. m. and 1 p. m. the headway of cars leaving Ridgewood be two and one-half minutes instead of three minutes; that between the hours of 1 p. m. and 3 p. m. it be two minutes instead of two and one-half minutes.

Bushwick Avenue.—That between the hours of 8:20 a. m. and 4 p. m. the headway of cars leaving Ridgewood shall be four minutes instead of five.

Putnam Avenue Line.—That between the hours of 9:33 a. m. and 2:13 p. m. the headway of cars leaving Putnam and Wyckoff avenues be two and one-half minutes instead of three; that between the hours of 6:30 p. m. and 7:30 p. m. it be two and one-half minutes instead of three.

Fulton Street Line.—That between the hours of 8:30 a. m. and 1:10 p. m. the headway of cars leaving East New York be three instead of three and one-half minutes; that from 1:10 p. m. to 4:00 p. m. it be two minutes instead of two and one-half.

Grand Street Line.—That between the hours of 7:30 a. m. and 4 p. m. the headway of cars leaving Maspeth Depot be six instead of seven and one-half minutes.

Broadway Line.—That between the hours of 9 a. m. and 2 p. m. the headway of cars leaving East New York be three and one-half minutes instead of four; that from 2:30 p. m. to 3:30 p. m. it be two and one-half instead of three.

Sumner Avenue Line.—That the headway of cars leaving the Bergen Street Depot between the hours of 9 a. m. and 1 p. m. be six minutes instead of seven and one-half; that between the hours of 1 p. m. and 3:30 p. m. it be five minutes instead of six minutes.

Reid Avenue Line.—That the headway of cars leaving Church and Utica avenues between the hours of 8:30 a. m. and 2:30 p. m. be seven instead of eight minutes; that between the hours of 2:30 p. m. and 3 p. m. it be five minutes instead of six.

St. John's Place Line.—That between the hours of 9 a. m. and 3 p. m. the headway of cars leaving Buffalo avenue be seven and one-half minutes instead of ten.

Tompkins Avenue Line, leaving Carroll street: That between the hours of 8:48 a. m. and 1:36 p. m. the headway be six minutes instead of eight; that between the hours of 1:36 p. m. and 4:30 p. m. it be five minutes instead of six.

Graham Avenue Line, leaving Green Point Ferry: That between the hours of 8:30 a. m. and 3:18 p. m. the headway be three and one-half minutes instead of four minutes.

Crosstown Line, leaving Hunter's Point Bridge: That between the hours of 9:20 a. m. and 12 noon the headway be four minutes instead of five.

Metropolitan Avenue Line, leaving St. John's Cemetery: That between the hours of 8:30 a. m. and 4 p. m. the headway be ten minutes instead of fifteen.

Nostrand Avenue Line, leaving Flatbush and Nostrand avenues: That between the hours of 9 a. m. and 2 p. m. the headway be five minutes instead of six; that between the hours of 8 p. m. and 10 p. m. five minutes instead of six.

Ocean Avenue Line, leaving Sheepshead Bay: That between the hours of 7:20 a. m. and 3:35 p. m. the headway be twelve minutes instead of fifteen; between the hours of 3:35 p. m. and 4:24 p. m. it be ten minutes instead of twelve.

Ralph Avenue Line, leaving Canarsie: That between the hours of 8:30 a. m. and 3 p. m. the headway be five minutes instead of six; that between the hours of 7:30 p. m. and 8 p. m. it be five minutes instead of six.

Hamburgh Avenue Line, leaving Canarsie: That between the hours of 8:10 a. m. and 3 p. m. the headway be four minutes instead of five; that between the hours of 7:25 p. m. and 8:30 p. m. it be four minutes instead of five.

Seventh Avenue Line, leaving Seventh avenue and Twentieth street: That between the hours of 9:29 a. m. and 1:05 p. m. the headway be six minutes instead of seven; that between the hours of 1:05 p. m. and 2:59 p. m. it be five minutes instead of six.

Third Avenue Line, leaving Sixty-fifth street: That between the hours of 8 a. m. and 3 p. m. the headway be four minutes instead of five; that between the hours of 3 p. m. and 4 p. m. it be three and one-half minutes instead of four.

Union Street Line, leaving Ninth avenue and Twentieth street: That between the hours of 8:30 a. m. and 3 p. m. the headway be seven and one-half minutes instead of ten.

Court Street Line, leaving Bush Street Depot: That between the hours of 9 a. m. and 3 p. m. the headway be three and one-half minutes instead of four.

Vanderbilt Avenue Line, leaving Ninth avenue and Twentieth street: That between the hours of 1 p. m. and 3 p. m. the headway be five instead of six minutes.

That the above recommendations take effect December 10, 1906.

The company informed the Board that these recommendations could not be complied with on December 10, but would be entirely complied with by December 14. The electrical expert reported, under date of January 10, 1907, that these recommendations were being complied with. (Case No. 3843.)

CLI.

IN THE MATTER OF THE COMPLAINT OF JAMES J. SMITH AGAINST THE ULSTER AND DELAWARE RAILROAD COMPANY IN RELATION TO FREIGHT RATE ON A SHIPMENT OF LAMP CHIMNEYS.

December 4, 1906.

This complaint, by J. J. Smith, of Griffin Corners, against the Ulster and Delaware Railroad Company, was filed with this Board on November 19, 1906. It alleged that the rate charged complainant on a shipment of lamp chimneys from Kingston to Griffin Corners was excessive. After correspondence, complainant informed the Board that the company had informed him that it would adjust his claim for overcharge, and the case was closed. (Case No. 3817.)

CLII.

IN THE MATTER OF THE COMPLAINT OF THE ACME REALTY ASSOCIATION AGAINST THE FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY.

December 4, 1906.

This complaint, by the Acme Realty Association, against the Fonda, Johnstown and Gloversville Railroad Company, was filed with this Board on November 13, 1906. It asks that the company stop its electric cars at a point called Harwell in Scotia near Schenectady. After correspondence the company informed the Board that its cars would make the stop in question. Complainant was so notified, and the case was closed. (Case No. 3803.)

CLIII.

IN THE MATTER OF THE COMPLAINT OF JOHN M. PERRY AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY.

December 4, 1906.

This complaint, by John M. Perry of Brooklyn against the Brooklyn Heights Railroad Company, was filed with this Board on November 15, 1906. It alleged that, " * * * On the evening of Tuesday, November 13th, at about 11:30 p. m., the writer was on the platform at the New York end of the New York and Brooklyn bridge. A two-car train of the Fulton Street line of the offending company was standing at the right of the platform. In the forward car every seat was filled. The aisle was so crowded with people standing that it was impossible for any more to get in the car. The rear platform was so crowded that a number of people who had been waiting for sometime for the train were unable to get on. The forward gate to the platform of the rear car was closed. The rear car contained three people. The station platform was divided by a temporary fence or gate, so that people who were waiting to get on the train could not get to the gate at the rear platform of the rear car. The guard refused to allow the people to get on the forward platform even of the rear car until a policeman interfered. The guard then stated that the rear car was for the use of local passengers, and that through passengers could not enter it, but finally consented to allow them to stand on the platform. There was not room then for all the people who desired to use the train to get on, and the train started with some people still waiting. On the way over, after a most vigorous protest, the guard opened the door and allowed the men and women who were standing on the two rear platforms to enter the rear car. The night was extremely cold and disagreeable. The

only excuse given for this action by the guard (whose number as I recall it was 1007) was that his orders were not to allow through passengers to use the back car and that he had no discretion in the matter. While I know that the Brooklyn Rapid Transit Company, by reason of the geographical conditions in Brooklyn, and the trend of traffic, has a number of railroad problems to contend with, that are by no means easy of solution, a matter of the kind to which I am now calling your attention is not one of such problems, and I respectfully submit that this condition requires immediate and vigorous action at your hands. If you desire it, I am prepared to verify these facts by affidavits." A copy of the complaint was sent to the company which answered: "Replying to your letter of the 15th instant, enclosing copy of a complaint dated the 14th instant from Mr. John M. Perry, I beg to advise that we have increased the service on the through trains to New York via the New York & Brooklyn Bridge, and this should supply adequate accommodations for through passengers." A copy of this answer was sent to complainant who expressed himself as satisfied, and the case was closed. (Case No. 3808.)

CLIV.

IN THE MATTER OF THE COMPLAINT OF E. R. HARDER AGAINST THE NEW YORK
CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

December 4, 1906.

This complaint, by E. R. Harder, of Valatie, against the New York Central and Hudson River Railroad Company, was filed with this Board on November 10, 1906. It refers to a transaction in which complainant had purchased a ticket from New York to Hudson, missed a train stopping at Hudson, and took a train from New York to Albany, being compelled to pay fare from Hudson to Albany. It also refers to a charge made for baggage left with the agent of the company at Hudson. A copy of the complaint was sent to the company, which answered. A copy of the company's answer was sent to complainant, who replied, and the case was closed. (Case No. 3800.)

CLV.

IN THE MATTER OF THE COMPLAINT OF M. B. HASBROUCK AGAINST THE NEW
PALTZ, HIGHLAND AND POUGHKEEPSIE TRACTION COMPANY.

December 4, 1906.

This complaint, by M. B. Hasbrouck, of Ohioville, against the New Paltz, Highland and Poughkeepsie Traction Company, was filed with this Board on November 24, 1906. It alleged that this company issued to certain persons passage tickets at reduced rates and would not issue them to complainant. A copy of the complaint was sent to the company, which answered that " * * * about three years ago this company entered into an agreement with A. D. Relyea, whereby said Relyea, for a reduced fare, guaranteed to purchase a certain amount of rides each month, for one year, subject to certain restrictions, from Relyea's house to place of business and return. The Hasbrouck case is as follows: The fare from M. B. Hasbrouck's house to place of business is twenty cents each way; this company offered Hasbrouck a book that entitled him to sixty-two rides per month, with no restrictions, provided that Hasbrouck would buy one book each month for one year, for \$7.50 per month, a reduction of \$4.90 per month. * * * ." After further correspondence the case was closed. (Case No. 3827.)

CLVI.

IN THE MATTER OF THE OPERATION OF OPEN CARS ON THE BROOKLYN HEIGHTS RAILROAD.

December 5, 1906.

On November 8, 1906, this Board recommended to the Brooklyn Heights Railroad Company that no open cars be run on any surface line operated by said company after 9 a. m., Saturday, November 10, 1906, during the winter. The company informed the Board that this recommendation would be complied with. William R. Rastrick, of Jamaica, was a complainant in this matter. (Case No. 3795.)

CLVII.

IN THE MATTER OF COMPLAINTS AGAINST THE RUTLAND RAILROAD COMPANY AS TO CONDITION OF FENCES, AS TO FARM CROSSINGS, AND AS TO WEEDS ON ITS RIGHT OF WAY.

December 5, 1906.

During the year a number of complaints were received from farmers along the line of the Rutland Railroad Company (Chatham and Lebanon Valley division) as to lack of fences of said company along complainants' lands, and in some instances as to lack of farm crossings, also as to weeds on its right of way. This was the case in 1905. At the time of writing this report most of these complaints are closed, the fences and, in some instances, farm crossings having been constructed, and weeds cut. The names of complainants (where the complaints are closed) are as follows: William A. Lapp of Stephentown, William Brown of Stephentown, Henry Snell of Stephentown, Charles Kittell of Stephentown, M. A. Daniels of Stephentown, Joseph M. Wilcox of Hoosick Falls, William H. Harrison of Lebanon Springs, Cebra Quackenbush of Hoosick, Miss Olive R. Hand of Lebanon Springs, Sherman Van Ness, M. D., of Old Chatham, H. A. Lewis of Petersburg, John P. Kelley of Old Chatham, S. B. Hadsell of Lebanon Springs, P. B. Carpenter of Stephentown, J. J. Halpin of North Stephentown and Frank Fellows of West Lebanon. (Cases Nos. 3392, 3417, 3440, 3472, 3585, 3598, 3616, 3631, 3636, 3663, 3666, 3670, and 3675.)

Decisions of the Courts Affecting Powers of the Board of Railroad Commissioners in Complaints.

I.

COURT OF APPEALS.

THE PEOPLE OF THE STATE OF NEW YORK, Appellant, v. THE BROOKLYN HEIGHTS RAILROAD COMPANY, Respondent.

(187 N. Y. 48.)

APPEAL, by permission, from a judgment of the Appellate Division, third department, affirming an interlocutory judgment overruling a demurrer to the defendant's answer.

HAIGHT, J. This action was brought to restrain the defendant from collecting more than one fare of five cents for a continuous ride over certain railroads operated by it within the city of New York. It appears from the allegations of the complaint that the defendant was incorporated as a street surface railroad in 1887, under and pursuant to chapter 252 of the Laws of 1884, and that it constructed and continues to own and operate a street surface railroad the entire length of Montague street in the city of Brooklyn; that under and pursuant to various leases and contracts it has acquired the right to and is operating a railroad over four different routes, viz.: The Sea Beach and Culver routes, commencing at the Manhattan terminal of the New York and Brooklyn bridge; thence over the bridge to the Brooklyn terminal thereof; thence over certain elevated railroads to Fifth avenue and Thirty-seventh street; thence over certain steam surface railroads to Coney Island, and *vice versa*, a distance of 11.36 miles. The Brighton Beach route, commencing at the Manhattan terminal of the New York and Brooklyn bridge; thence over the bridge to the Brooklyn terminal; thence over an elevated road to Fulton street and Franklin avenue; thence over certain steam surface railroads to Coney Island, and *vice versa*, a total length of 12.03 miles. The Cypress Hill route, commencing at Cypress Hill Cemetery; thence over an elevated railroad to Fulton street and Franklin avenue; thence over certain steam surface railroads to Coney Island, and *vice versa*, a total length of 13.34 miles. It further appears that all of the railroads so operated by it upon the routes mentioned are elevated railroads incorporated as such, or steam surface railroads operating upon a private right of way procured and owned by the company; that all the steam surface railroads within the routes mentioned were constructed and in operation prior to May 6th, 1886, and had the right to charge under their charter three cents per mile; that all of the elevated roads, included in the routes mentioned, were operated by steam locomotive engines and were authorized to charge as fare ten cents, except during certain hours, specifically mentioned, during which it was permitted to charge but five cents. After the defendant commenced the operation of these roads, electricity was substituted in place of steam, and they are now operated by that motive power. Over the elevated roads it charges a fare of five cents, and over the steam surface roads, so called, it charges an additional fare of five cents.

The towns of New Utrecht, Gravesend, Flatbush and New Lots, which include the territory lying between the city of Brooklyn as it previously existed and the sea, were annexed to and became a part of the city in the years 1894 and 1896, and in 1898 the city of Brooklyn was consolidated with the city of New York.

The question presented for our determination is as to whether the defendant has the right to charge two fares of five cents each in transporting passengers over any of the routes mentioned, one fare of five cents over the elevated roads and another fare of five cents over the steam surface roads between the Brooklyn bridge and Coney Island and between Cypress Hill and Coney Island, or whether it is limited to a charge of one fare of five cents.

Chapter 568 of the Laws of 1890, as amended from time to time, known as the "Railroad Law," was designed to afford a complete system for the organization of railroad corporations, and for the construction and operation of railroads within this state. It consists of six articles.

The first contains general provisions with reference to the organization, powers, and location of all kinds of railroads, but it contains some sections which are limited to a particular kind of railroad. The second pertains to the construction, operation and management of railroads. Some of the sections of this article are general, applicable to all railroads, but some of the provisions pertain only to steam surface railroads. The third contains provisions authorizing the con-

solidation and reorganization of companies and the lease or sale of railroads, and is general, applying to all kinds of railroads. The fourth pertains exclusively to street surface railroads. The fifth pertains to other railroads in cities and counties which may be over, upon or under the surface of streets, thus including elevated and subway railroads. The sixth establishes a board of railroad commissioners, and pertains to their duties. Under article three, section 78, which applies to all railroads organized under general laws, the legislature has provided that "Any railroad corporation or any corporation owning or operating any railroad or railroad route within the state, may contract with any other such corporation for the use of their respective roads or routes, or any part thereof, and thereafter use the same in such manner and for such time as may be prescribed in such contract." It was under this provision of the statute that the defendant acquired its right to operate the elevated and steam surface railroads constituting the four different routes referred to, from the Brooklyn bridge and from Cypress Hill to Coney Island. Article four, as we have seen, is entitled "Street Surface Railroads," and pertains exclusively to the location in streets, the construction and operation, and the rate of fare that may be charged for the transportation of passengers. Section 101 provides that "No corporation constructing and operating a railroad under the provisions of this article, or of Chapter 252 of the Laws of 1884, shall charge any passenger more than five cents for one continuous ride from any point on its road, or on any road, line or branch operated by it, or under its control, to any other point thereof, or any connecting branch thereof, within the limits of any incorporated city or village. Not more than one fare shall be charged, within the limits of any such city or village, for passage over the main line of road and any branch or extension thereof if the right to construct such branch or extension shall have been acquired under the provisions of such chapter or of this article. * * * This section shall not apply to any part of any road constructed prior to May 6th, 1884, and then in operation, unless the corporation owning the same shall have acquired the right to extend such road, or to construct branches thereof under such chapter, or shall acquire such right under the provisions of this article, in which event its rate of fare shall not exceed its authorized rate prior to such extension. The legislature expressly reserves the right to regulate and reduce the rate of fare on any railroad constructed and operated wholly or in part under such chapter or under the provisions of this article." Chapter 252 of the Laws of 1884, above alluded to, was passed May 6th of that year, and pertains to street surface railroads. Section 104 requires every such corporation, upon demand and without extra charge, to give to each passenger paying a single fare a transfer, entitling such passenger to one continuous trip to any point or portion of any railroad operated by it, to the end that public convenience may be promoted, and in case of a violation of its duty in this regard a penalty of fifty dollars is provided for each offense, recoverable by the aggrieved party. Under these provisions of the statute we have held that where one street surface railroad corporation acquires by lease or otherwise the right to operate another street surface railroad after the passage of the act, it must carry a passenger not only over its own road, but over the connecting leased roads operated by it within the limits of a city or village for a single fare; and that upon the intersection of such leased roads it must also upon demand furnish a transfer entitling the passenger to continue his trip over such connecting road operated by it. (*Griffin v. Interurban Street R. Co.*, 170 N. Y. 438; *O'Reilly v. Brooklyn Heights R. Co.*, 179 N. Y. 450.) The legislature has seen fit to limit the power of street surface railroads to consolidate, lease, contract or operate other street surface railroads by imposing a condition that in case they do so contract they shall transport over their connecting lines passengers for a single fare of five cents and furnish transfers to their own intersecting lines. But this, as we have seen, is limited to street surface railroads. The provisions of section 101, above referred to, are very specific in this particular: "no corporation constructing and operating a railroad under the provisions of this article, or chapter 252 of the Laws of 1884, shall charge," etc. As we have seen, "this article" is article four of the Railroad Law. It pertains exclusively to street surface railroads, and chapter 252 of the Laws of 1884, which was passed May 6th of that year, from which this section, as amended and revised, was taken, also pertains exclusively to street surface railroads. The words "this article" and "such chapter" are twice repeated in the provisions of this section, thus emphasizing the legislative intent to limit its provisions to that particular kind of railroads. That such was the legislative intent is further apparent from the fact that no such provision or limitation is to be found in any of the general provisions of the Railroad Law as applicable to steam surface railroads or elevated railroads. It is true that the defendant was incorporated as a street surface railroad, that it has constructed, owns and operates a street surface road within the city of Brooklyn, and in case it leases or operates any other street surface railroad within that city it must furnish transportation over such leased connecting road for one fare; but such is not the case we have under consideration. The roads which it has leased and is operating which are involved in this case are not street surface railroads, but are elevated and steam surface roads.

The contention on the part of the state is, that the defendant's powers were limited to the operation of street surface roads, and that when it undertook to lease and operate elevated and steam surface roads they were brought within the provisions of sections 101 and 104, and that those sections should be construed as applicable thereto. We are of the opinion that this contention cannot be adopted. While the defendant was organized as a street surface railroad and

was incorporated as stated, the General Railroad Law has authorized and empowered it to lease the elevated and steam surface railroads in question, by section seventy-eight of article three. The provision of that section, as we have seen, is that "*any* railroad corporation," etc. As we understand this phrase, it refers to *every* railroad incorporated under the provisions of the act. Such corporation "*may* contract with *any* other such corporation." No limitation is apparent. A steam railroad corporation can lease another steam surface railroad, a street surface railroad or an elevated railroad. So with a street surface railroad. It may lease another street surface railroad or a steam surface railroad or an elevated road; but when one railroad corporation undertakes to lease and operate another road, it assumes all the duties, obligations and requirements imposed by the statute and the charter of such railroad. Such duties and obligations in the operation of steam surface railroads are in many respects different from those imposed in the operation of street surface roads, and in the operation of elevated roads there are still other obligations assumed which are materially different. We think it apparent, therefore, that when the legislature authorized the defendant to lease and operate the elevated and steam surface roads in question, it not only became empowered and authorized, but it was also its duty to operate such roads in accordance with the requirements of their respective charters. Having had cast upon it the duty and obligation to operate such roads in accordance with the requirements of their charters and the statute applicable thereto, as such lessee it became entitled to all of the privileges and benefits authorized by their charter and the statute, unless such roads are brought within the meaning of the sections referred to in article four, in which the defendant is limited to the charge of but one fare. We think that they are not. As we construe those sections they have reference to street surface railroads and no others. A corporation operating a street surface railroad is prohibited from charging more than one fare "for one continuous ride from any point on its road, or on any road, line or branch operated by it, or under its control, to any other point thereof, or any connecting branch thereof, within the limits of any incorporated city or village. * * * If the right to construct such branch or extension shall have been acquired under the provisions of such chapter or of this article." This provision has reference to street surface railroads, railroads which were constructed under the provisions "of such chapter or of this article," distinctly referring to those roads which were constructed under the provisions of the statute pertaining to street surface railroads. Nor do we think that the defendant, in dispensing with steam as a motive power and substituting electricity, affected the situation or changed its right so far as the question of fares is concerned. Such change has been authorized under general laws, and by complying with the requirements of the statute with reference thereto it may be lawfully made.

The reasons that control the legislative mind in adopting this statute may not be important. It is quite possible, however, that the fact that the cost of the construction of elevated railroads being many times greater than that of street surface railroads, was one of the reasons why it did not see fit to place them upon the same footing as to fares. Whether the elevated and steam surface railroads within a city should be placed upon the same basis with street surface railroads with reference to fares and the transfer of passengers, is a question for the determination of the legislature and not for the courts.

We consequently conclude that the complaint fails to state a cause of action, and that the judgment should be affirmed, with costs, and the first question certified answered in the negative. Others not answered.

CULLEN, Ch. J., O'BRIEN, EDWARD T. BARTLETT, VANN, WILLARD BARTLETT and CHASE, JJ., concur.

Judgment affirmed.

Stations and Station Buildings.

I.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AND THE SPUYTEN DUYVIL AND PORT MORRIS RAILROAD COMPANY, ITS LESSOR, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE KINGS BRIDGE STATION ON SAID COMPANIES' RAILROAD IN THE CITY OF NEW YORK AT ITS PRESENT LOCATION, IT BEING PROPOSED THAT A NEW STATION SHALL BE ESTABLISHED AT A POINT NEAR BROADWAY ON A CHANGED LINE OF SAID COMPANIES' RAILROAD.

Determination. January 30, 1906.

This application, by the New York Central and Hudson River Railroad Company and the Spuyten Duyvil and Port Morris Railroad Company, its lessor, was filed with this Board on December 30, 1905. It asks the consent of this Board, under section 34 of the Railroad Law, to the discontinuance of the Kings Bridge station on said companies' railroad in the city of New York at its present location, it being proposed that a new station shall be established at a point near Broadway on a changed line of said companies' railroad, known as the Marble Hill cut-off. A public hearing in the matter was held by this Board in the city of New York on January 30, 1906, after public notice. George H. Walker appeared for the applicants; H. H. Brown, president of the Kings Bridge Improvement Association, appeared in favor of the application. The reason for the changing of the location of the station is as stated the change in the line of the railroad.

This Board, therefore, hereby consents, under section 34 of the Railroad Law, to the discontinuance of the Kings Bridge station on the Spuyten Duyvil and Port Morris Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the city of New York at its present location, on condition that a new station be established at a point near Broadway on a changed line of said companies' railroad known as the Marble Hill cut-off.

The new station has been established and a temporary station building is in use pending the construction of a permanent station building. (Case No. 3474.)

II.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF SHERMAN PARK AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, AS LESSEE OF THE NEW YORK AND HARLEM RAILROAD, AS TO PASSENGER STATION.

March 6, 1906.

This complaint was filed with this Board on July 25, 1905. It alleged that a new passenger station should be erected at Sherman Park on the New York and Harlem division of the New York Central and Hudson River Railroad Company. After correspondence with the company a new station was erected at this point. (Case No. 3393. See p. 48, 1st vol., R. R. Com. Report 1905.)

III.

IN THE MATTER OF THE COMPLAINT OF GRACE H. ROVER AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO LACK OF SHELTER STATION FOR PASSENGERS WAITING FOR CABS OF SAID COMPANY AT CHURCH AND ROCKAWAY AVENUES, BROOKLYN.

March 8, 1906.

This complaint was filed with this Board on December 19, 1905. A copy of the complaint was sent to the company, and the Board subsequently recommended to the company that a "waiting" car at this point should be kept in place for the use of transferring passengers between the hours of 6:30 a. m. and 9 p. m. An inspector of the Board subsequently reported that "I have investigated the matter of a waiting car for transferring passengers at Church and Rockaway avenues on the Brooklyn Heights Railroad, and find the car, as ordered by your Honorable Board, is standing on track 10 near the transfer point with a sign on it, 'Waiting Car.' It answers all the requirements of a first-class waiting room, being heated and lighted, and conveniently situated." (Case No. 3470.)

IV.

IN THE MATTER OF THE COMPLAINT OF DANIEL A. MORAN AGAINST THE LONG ISLAND RAILROAD COMPANY AS TO THE LIGHTING OF PLATFORMS AT ITS PASSENGER STATION AT VALLEY STREAM.

March 21, 1906.

This complaint was filed with this Board on February 5, 1906. It alleged that platforms of the Long Island Railroad at Valley Stream were not well lighted. A copy of the complaint was sent to the company, which answered. An inspector of the Board reported in the matter as follows: " * * * There are no lamps along the graveled walk connecting the Montauk division main line platform at its westerly end with the westerly end of the platform along the westerly leg of the 'Y.' It is not apparent that this graveled walk is used extensively, but in my opinion there should be an additional lamp near either end of this graveled walk; and, while I do not consider that there is danger along other portions of the platform on account of lack of light, it would be an improvement to relocate the lamps along those platforms so that the distance between them will not exceed 100 feet. To do that would probably require about two additional lamps, making four additional lamps in all. * * * " The recommendations in this report were made the recommendations of this Board and the company notified. Subsequently an inspector reported that these recommendations had been complied with. (Case No. 3502.)

V.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN HEIGHTS RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF ITS STATION KNOWN AS KENSINGTON ON THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF LOTTS LANE AND GRAVESEND AVENUE, BOROUGH OF BROOKLYN, NEW YORK CITY.

Determination. April 18, 1906.

In the matter of the application of The Brooklyn Heights Railroad Company, under section 34 of the railroad laws of the State of New York, to

discontinue what is known as its Kensington station on Gravesend avenue, this Board after due legal notice being given held a public hearing at its New York office in the Whitehall building, April 11th. Officers and members of the Citizens' Improvement League of Kensington, Parkville and vicinity, and a number of property owners appeared in opposition.

From the evidence taken at the hearing and from personal inspections made by members of the Board, the following facts in reference to this matter were determined:

The Brooklyn Heights Railroad Company are operating the tracks through Gravesend avenue. Since the date of construction of this road there has been maintained a station at the corner of Gravesend avenue and Lotts lane, known as the Kensington station. There is a junction of the double tracks in Gravesend and of the double tracks over which the elevated trains are operated; also the double tracks which extend to Borough Park. This junction is 530 feet north of Kensington station. Two hundred and thirty feet north of the station there is a semaphore which governs the operation of northbound trains and cars. This semaphore is interlocked with the signals and switches on the north side of the junction. The company have constructed a new station located on the west side of Gravesend avenue and near the junction.

The Gravesend is one of the important lines operated by the company to and from Coney Island, and during the summer season there is an extensive excursion travel over it. There are eight lines of surface cars and one line of elevated trains operated over the junction, making a maximum total train and car movement of 164 per hour in one direction, or 328 in both.

With the present arrangement of station and signals, northbound trains and cars are obliged to make two stops approaching the junction, one the station stop, the other the semaphore or safety stop. This, with the large number of movements over the junction, causes a congestion of traffic, which it is the intention of the company to relieve by moving the semaphore to within 50 feet of the junction and doing away with the necessity of the station stop by abandoning Kensington station, and using the new station instead.

The territory adjacent to Kensington station is a well-built-up and growing section. There are very few buildings directly adjoining the new station.

In arriving at a conclusion in this matter, the Board has taken into consideration the inconvenience which would be caused to the residents of the vicinity of Kensington station in granting the company's application. They have also considered the fact that this company is obliged to provide means of transit for a large and growing excursion traffic to and from Coney Island. This is a legitimate portion of its business, and must be provided for, but where possible, this should be done in such a manner as to cause the least inconvenience to local travel.

After careful consideration of the claims made by the company and the protests of the residents of the vicinity of Kensington station, the Board makes the following determination:

That the company's application be denied.

While the Board finds that the conditions do not warrant granting the company's application to discontinue Kensington station, it does find that the traffic conditions require some changes in the present method of operation, and makes the following recommendations:

Recommendations.

1. That the semaphore governing the operation of northbound trains at the junction near Kensington station be moved to a point about 50 feet from the junction.

2. That the company construct a station affording proper protection to passengers from inclement weather, at a point nearly opposite the new station on the east side of Gravesend avenue, with cinder walks extending from both the proposed and the new station to Lotts lane, that during the

period between May 15th and September 1st they may be relieved from stopping cars and trains at the present Kensington station. At all other times these cars and trains to be stopped at the Kensington station as at present.

The electrical expert of the Board subsequently reported that the recommendations had been practically complied with. (Case No. 3533.)

VI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE PLATFORM STATION AT UNIVERSITY HEIGHTS IN THE CITY OF NEW YORK ON THE RAILROADS OPERATED BY IT; AND FOR CONSENT TO THE DISCONTINUANCE OF THE STATION AT FORDHAM HEIGHTS IN THE CITY OF NEW YORK ON THE RAILROADS OPERATED BY IT, IT BEING PROPOSED THAT A NEW STATION SHALL BE CONSTRUCTED ON SAID RAILROADS ABOUT AT EAST 184TH STREET.

Determination. April 24, 1906.

This application, by the New York Central and Hudson River Railroad Company, was filed with this Board on March 17, 1906. It asks the consent of this Board, under section 34 of the Railroad Law, to the discontinuance at once of the platform station at University Heights in the city of New York on the railroads (New York and Putnam Railroad, and Spuyten Duyvil and Port Morris Railroad) operated by it, it being proposed that a new station shall be constructed on said railroads about at East 184th street; and it asks the consent of this Board to the discontinuance of the station at Fordham Heights in the city of New York on the railroads (New York and Putnam Railroad, and Spuyten Duyvil and Port Morris Railroad) operated by it, after the station proposed to be constructed at East 184th street is completed and in operation. A public hearing in the matter was held by this Board in the city of New York on March 28, 1906, after public notice. C. C. Paulding appeared for the applicant; no one else appeared. The location of the new station about at East 184th street is between the two existing stations, although not midway between them. After the hearing the Board received a letter from John H. McCracken, syndie of New York University, stating that he was in opposition to the discontinuance of the station at University Heights and asking opportunity to be heard. Whereupon a further hearing in this matter was set for Tuesday, April 10, 1906, at the New York office of this Board, and Mr. McCracken and the company were so notified. On April 7 this Board received a letter from Mr. McCracken from which the following is an extract:

"Since filing our protest with you last week, the matter has been taken up by the Engineering Department of the New York Central, and they have agreed to change their plans and to make provision for the stopping of trains at the University Heights platform until August 10th. With this understanding, the University desires to withdraw its opposition to the discontinuance of the station after that time."

Under these circumstances the proposed hearing on April 10 did not take place. The reason for the discontinuance of this University Heights station is the changing of tracks, etc., in the improvement now going on of the railroad.

This Board believes that the new station located at East 184th street will satisfactorily accommodate the public using the present station.

This Board, therefore, hereby consents, under section 34 of the Railroad Law, to the discontinuance at once of the platform station of University Heights in the city of New York on the railroads (New York and Putnam Railroad, and Spuyten Duyvil and Port Morris Railroad) operated by the

New York Central and Hudson River Railroad Company; and this Board also hereby consents, under section 34 of the Railroad Law, to the discontinuance in the future of the station at Fordham Heights in the city of New York on the railroads (New York and Putnam Railroad, and Spuyten Duyvil and Port Morris Railroad) operated by the New York Central and Hudson River Railroad Company, said Fordham Heights station not to be discontinued until the new station to be constructed about at East 184th street is constructed and in operation.

The new station building has been constructed and is in use. The University Heights station has been abandoned. The Fordham Heights station is still in use at the time of writing this report. (Case No. 3537.)

VII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AND ITS LESSOR, THE NEW YORK AND HARLEM RAILROAD, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE 110TH STREET AND PARK AVENUE, NEW YORK CITY, PASSENGER STATION ON THE NEW YORK AND HARLEM RAILROAD.

Determination. May 9, 1906.

This application, by the New York Central and Hudson River Railroad Company and its lessor, the New York and Harlem Railroad, was filed with this Board on April 24, 1906. It asks consent of the Board to the discontinuance of the passenger station of the New York and Harlem Railroad at 110th street and Park avenue, New York city. A public hearing in the matter was held by this Board in the city of New York on May 9, 1906, after notice to the local authorities and notice published in newspapers and notices posted at the station. George H. Walker appeared for the applicant; no one else appeared. After hearing evidence and arguments the hearing was closed. It appears that the present 110th street station is located on the elevated structure, about three-quarters of a mile north of the Park avenue tunnel. The approach to the station is by stairways from the street underneath. Madison avenue, on the west, and Lexington avenue, on the east of the railroad, each one block distant, parallel the line of the New York Central Railroad, and on each of those streets there is a double track line of electric railroad. Under these circumstances there appears to be no necessity for the maintenance of this station.

The application is, therefore, granted and this Board hereby consents, under section 34 of the Railroad Law, to the discontinuance of the passenger station on the New York and Harlem Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at 110th street and Park avenue, New York city. This consent to take effect June 1, 1906.

This station has been discontinued. (Case No. 3565.)

VIII.

IN THE MATTER OF THE COMPLAINT OF J. W. ENGLISH AS TO THE 81ST STREET, NINTH AVENUE, STATION ON THE MANHATTAN RAILWAY (LEASED TO AND OPERATED BY THE INTERBOROUGH RAPID TRANSIT COMPANY.)

June 4, 1906.

This complaint, by J. W. English of New York city, against the Interborough Rapid Transit Company as lessee of the Manhattan Railway, was filed with this Board on April 17, 1906. It is as follows: "I desire to call

your attention to Sixth Avenue L Road service. At 81st street in the morning the service is only a very little better than it was before the subway opened. Very few seats are vacant when trains reach 81st street. The cause seems to be the time consumed crowding or packing express trains at One Hundred and Twenty-fifth street and One Hundred and Sixteenth street. A suggestion from me can do no harm and may do some good. The tracks at both stations are so high that a lower deck could be built for ticket offices with two platforms and three tracks above as per my crude diagram. The middle track for express trains, the outer track moved toward the building. Southbound express trains use northbound or east platform. Northbound express trains use southbound or west platform, having several stairways to lower deck. This arrangement would facilitate loading and unloading so that more express and local trains could be run and with people seated. Crowded cars means slow transit." A copy of the complaint was sent to the company which answered and a copy of the answer was sent to the complainant. The electrical expert of the Board reported in this matter as follows: "In compliance with instructions contained in yours of April 17, 1906, I have investigated the traffic conditions at the Eighty-first street station of the Manhattan Railway, Ninth avenue division, mentioned in the complaint of J. W. English, and submit the following: A check of the traffic at this station was made Wednesday, May 9, 1906, between the hours of 6:29 and 9:02 a. m. A copy of the record of this check, showing the time of southbound trains at this station, and the condition of the load is submitted. From this record it will be seen that between 7:34 and 8:50 a. m. there were thirteen trains left this station with all the seats occupied, and with some passengers standing. Comparatively speaking, this is not considered a serious condition in New York city with the present traffic facilities. During the period of the check no crowding occurred on the station platform, nor was any inconvenience caused to passengers by crowding of the stairways during that time." The case was closed. (Case No. 3561.)

IX.

IN THE MATTER OF THE COMPLAINT OF WILLIAM P. GREGG AND OTHERS AGAINST THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY AS TO ABANDONMENT OF ITS STATION AT CUDEBACKVILLE, ORANGE COUNTY, ON ITS PORT JERVIS AND MONTICELLO BRANCH.

June 5, 1906.

This complaint, by William P. Gregg and others of Cuddebackville, Orange county, against the New York, Ontario and Western Railway Company, was filed with this Board on November 16, 1906. It alleged that the company had abandoned the station at that point which is on its Port Jervis and Monticello branch. A copy of the complaint was sent to the company which answered: " * * * In order to avoid the necessity of running trains into Port Jervis and then out again over the Hill road to Monticello, a cut-off or connection was built from a point on the Valley line now called Valley Junction, near Cuddebackville, to a point on the Hill line called Rose Point. Prior to the time the Ontario and Western Company operated the road, there was a small rough building used as a station and called 'Cuddebackville,' less than a mile distant eastward from Valley Junction, and another called 'Godeffroy,' a little shorter distance west of the Junction. The buildings in both places were in a state of ruin and had to be removed and, so far as I can ascertain, there never had been an agent at either place. At Valley Junction there is a station which, while ample to take care of the business at the present time, it is intended to replace with a more commodious building as soon as the ground settles sufficiently to permit of its erection, the structures being now on an embankment. At that

station, there is a ticket and freight agent and an express and telegraph office, and the facilities there afforded are, I believe, ample and convenient for all the residents in the locality, including Cuddebackville. * * *." A copy of this answer was sent to complainants, who replied. Reports in this matter were made by an inspector of this Board and by Commissioner Dickey, Commissioner Dickey's report being as follows: "Pursuant to your instructions on June first, I made a personal examination of the situation at Cuddebackville with reference to the application of Gregg and others to have a station established at that point. My examination resulted in confirming the statements made in the report of Inspector Shultz. In my opinion there is no necessity for, nor business enough to warrant the erection of a station at that place. A very limited number of people would be better accommodated, but the needs of the people both as regard passenger and freight accommodations are very well supplied by the new stopping point known as Valley station, at which place, although the business is small, an agent is on duty from 7 a. m. to 6 p. m. There is a siding at Cuddebackville and freight in carload lots is delivered there when ordered." On this report of Commissioner Dickey, the case was closed without further action. (Case No. 3455.)

X.

IN THE MATTER OF THE COMPLAINT OF CHARLES J. MILLER OF NEWFANE, NIAGARA COUNTY, AGAINST THE INTERNATIONAL RAILWAY COMPANY AS TO LACK OF WATER-CLOSETS AT ITS NEWFANE STATION.

July 2, 1906.

This complaint was filed with this board on May 25, 1906. After correspondence with the company, water-closets were installed at this station. (Case No. 3589.)

XI.

IN THE MATTER OF THE APPLICATION OF THE ALBANY AND HUDSON RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE FLAG STOP STATION ON ITS RAILROAD AT A POINT CALLED "ROSECRANS," AND FOR CONSENT TO THE DISCONTINUANCE OF THE FLAG STOP STATION ON ITS RAILROAD AT A POINT CALLED MERCHANT'S.

Determination. July 16, 1906.

This application, by the Albany and Hudson Railroad Company, under section 34 of the Railroad Law, was filed with this Board on May 29, 1906. It asks the consent of the Board to the discontinuance of the flag stop stations on the applicant's railroad at a point called Rosecrans' and at a point called Merchant's. A public hearing in the matter was held by this Board in the city of Albany on July 2, after public notice. G. G. Blakeslee, general manager, and John P. Maloney, trainmaster, appeared for the applicant; Rollin B. Sanford appeared for residents near the Merchant's station, in opposition, and also in opposition to the discontinuance of the Rosecrans' station; W. B. Rosecrans appeared for Mrs. Rosecrans at Rosecrans' station, in opposition. After hearing evidence and arguments the hearing was closed.

After consideration of the matter, this Board believes that these stops should not be discontinued. They have been in existence a long time and accommodate a considerable number of people. The object of the company in asking for consent to their discontinuance is to enable trains to run according to schedule, the application stating that because of "so many flag

stops on our road it is difficult to make our time as per schedule." While this reason for discontinuance has force, we do not believe that it has sufficient weight under the circumstances as disclosed by the evidence to justify us in granting this application. The application is, therefore, hereby denied. (Case No. 3594.)

XII.

IN THE MATTER OF THE COMPLAINT OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF FALCONER, CHAUTAUQUA COUNTY, AGAINST THE DUNKIRK, ALLEGHENY VALLEY AND PITTSBURG RAILROAD (OPERATED BY THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY) AND THE ERIE RAILROAD COMPANY IN RELATION TO PASSENGER STATION USED JOINTLY BY SAID COMPANIES AT FALCONER.

July 30, 1906.

This complaint by the president and trustees of the village of Falconer, Chautauqua county, against the Dunkirk, Allegheny Valley and Pittsburg Railroad (operated by the Lake Shore and Michigan Southern Railway Company) and the Erie Railroad Company in relation to passenger station used jointly by said companies at Falconer was filed with this Board on April 18, 1903. After correspondence with the companies a new station for passengers to be used by both the said railroads was constructed at this point (Case No. 2896.)

XIII.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN HEIGHTS RAILROAD COMPANY AS LESSEE OF THE BROOKLYN UNION ELEVATED RAILROAD, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO DISCONTINUANCE OF TWO STATIONS.

Determination. August 1, 1906.

This application, under section 34 of the Railroad Law, by the Brooklyn Heights Railroad Company as lessee of the Brooklyn Union Elevated Railroad, was filed with this Board on June 14, 1906. It asks consent of the Board to the discontinuance of the stations at Avenue J and at Avenue U on the Brighton Beach division of said company's railroad; the propositions being that the present station at Avenue J be moved south to the northerly side of Avenue K, and that the present station at Avenue U be moved north to the southerly side of Avenue T, it being proposed that new station buildings be erected at said proposed new locations. The company subsequently withdrew its application as to Avenue J. A public hearing, after public notice, was held by this Board in the city of New York on July 17, 1906, on this application. E. W. Winter, president of the company and John L. Wells appeared for the applicant; L. J. DuMahant, Robert Cunningham, James Wilson, John S. Moriarty, John J. Hyland, R. J. Warner, Bert Hunt, George F. Costello, John H. Hanning, property owners, appeared in opposition; Edwin S. Piper, for the Flatbush board of trade and residents of Manhattan terrace, appeared in opposition; F. J. Cowden appeared for property owners in opposition, and Clarence Lexow subsequently filed with the Board a brief in opposition.

After consideration of this matter this Board does not believe that it would be justified in granting this application. The application is, therefore, hereby denied. (Case No. 3613.)

XIV.

IN THE MATTER OF THE APPLICATION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO DISCONTINUANCE OF ITS STATION AT HEWLETT.

August 14, 1906.

On page 97, first volume report of this Board for 1904, will be found a determination of this Board consenting to change of location of the station of the Long Island Railroad Company at Hewlett. At the time of writing this report this change has not been made. (Case No. 2584.)

XV.

IN THE MATTER OF THE RECOMMENDATIONS OF THIS BOARD TO THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY AS TO STATION PLATFORMS AND CARS.

September 10, 1906.

Under date of October 12, 1905, the inspector of this Board reported as follows: "I have made an examination of the station and cars of the Staten Island Rapid Transit Railway Company, relative to the frequent complaints, verbal and through the press, that the station platforms and cars are poorly lighted and that suitable shelter for waiting passengers is not provided, and respectfully report as follows: "The station at Arlington is located on the inbound track; it has uncovered platforms; the inbound platform is lighted by two oil lamps and the outbound by one. Mariners Harbor has station on inbound track; has open platforms, each lighted by three oil lamps. Elm Park has station on inbound track, open platforms; inbound platform lighted by two oil lamps and outbound by one. Tower Hill has station on inbound track, open platforms, lighted by two lamps each. Port Richmond has station on inbound track, partly covered platforms, inbound lighted by three and outbound by four lamps. West Brighton has station on inbound track, open platforms, each lighted by two lamps. Livingston has station on inbound track, partly covered platforms, each lighted by one lamp. Sailors' Snug Harbor has station on inbound track, partly covered platforms, each lighted by one lamp. New Brighton has station on inbound track, covered platforms, inbound lighted by one, and outbound by two lamps. St. George has large station, covered platforms, and is well lighted by arc and incandescent lamps. Tompkinsville has station on inbound track, open platforms, each lighted by two oil lamps. Stapleton has station on inbound track, partly covered platforms, well lighted by arc lamps. Clifton has station on inbound track, partly covered platforms, well lighted by arc lamps. Bachman has no station, open platforms, inbound lighted by two, and outbound by one oil lamp. Rosebank has station on inbound track, inbound platform partly covered, and outbound open, each platform lighted by two oil lamps. Bellaire has no station, open platforms and no lamps. Fort Wadsworth has station on inbound track, partly covered platforms, each lighted by one oil lamp. Arrocher has station on inbound track, partly covered platforms, each lighted by two oil lamps. South Beach has station on inbound track, inbound platform covered, and outbound open (all trains arrive and depart from inbound platform); station and inbound platform are well lighted by oil and arc lamps. All the above-named stations are on the line of railroad from Arthur Kill to South Beach. On the line from Tottenville to the junction with the above-named line at Clifton, Tottenville has station at end of tracks, covered platforms, each lighted with five oil lamps. Richmond Valley has station on inbound track, inbound platform partly covered, and outbound open, each lighted by one oil lamp.

Pleasant Plains has station on outbound track at end of single track portion of the road; the platforms are not covered and are lighted by two oil lamps. Princess Bay (on single track) has station, uncovered platform, lighted by two oil lamps. Huguenot Park (on single track) has station, uncovered platform, lighted by one oil lamp. Annadale (on single track) has station, partly covered platform, lighted by three oil lamps. Eltingville has station on outbound track, partly covered platform on outbound track, and uncovered on inbound track, inbound lighted by three and outbound by two oil lamps. Great Kills has station on inbound track, inbound platform partly covered, outbound open, each lighted by four oil lamps. Whitlock station is closed. Oakland Heights has station on inbound track, inbound platform partly covered, outbound open, inbound lighted by three oil lamps and outbound by one. New Dorp has station on inbound track, partly covered platforms, inbound lighted by four and outbound by three oil lamps. Grant City has no station, uncovered platforms, inbound lighted by two and outbound by one oil lamp. Dongan Hills has station on inbound track, partly covered platforms, each lighted by one oil lamp. Grassmere has station on outbound track, open platforms, inbound lighted by one, and outbound by two oil lamps. Nearly all coaches are lighted by three double-burner oil lamps in each. The lamps appear to be poorly cared for, the chimneys to most of those observed being smoked and dirty, giving very dim light. The cars appear to be in very fair repair and reasonably clean. The examination develops that most of the stations and the cars are not properly lighted, and that sufficient shelter, on platforms, is not generally furnished. The platforms at Grant City, Bellaire and Bachman, where there are no station buildings, should certainly be covered. The inbound platform at Eltingville and Glassmere, where the station buildings are located on the outbound side of the tracks, should also be covered, and all the platforms should have sufficient covering to protect from storm the passengers that are reasonably expected to be there waiting for trains. Comparatively few passengers board outbound trains excepting at St. George. The only platforms that appear to be well lighted are at St. George, Stapleton, Clifton, South Beach and Tottenville. At a few other places there is some light afforded by street lamps in the vicinity. Some of the stations are closed before trains that stop there are done running, and the shelter and light from them is not then available. I also discovered that some lamps were not lighted and some platforms dark. Where oil lamps are used, they should be placed not more than sixty feet apart, the entire length of the platform. The few platforms lighted by electric lamps are well lighted. The lamps in the cars should be given better care and the chimneys kept clean. I respectfully recommend that the improvements above described be promptly made." The recommendations in this report were made the recommendations of this Board and the company notified. The company replied as follows: "In response to your favor of the 13th ult., relative to the recommendations of the Board as to station platforms, lights, etc., beg to advise that the question of lights in cars was immediately taken up with the view of improving the conditions, and the general question of shelter on our platforms had been under consideration for some time prior to the receipt of the recommendations of your Board, and in a number of cases shelters had already been completed and others arranged for. There are, however, several exceptions which we respectfully desire to call the attention of the Board to, that is, the platforms at Bellaire avenue and Bachmann's. Both of these were put in as flagstops, and Bellaire Avenue is located only about two blocks from our regular station at Fort Wadsworth, where there are ample facilities to take care of the passengers. Bachmann's is a private platform, not owned by this company, and is only one block away from our regular station at Rosebank, where there are ample facilities to take care of all the traffic. Over all this territory our maximum rate is a five cent fare, in addition to which we carry 150 pounds of baggage where offered, and we are in competition with an electric railway. Grant City is a flag stop for most of our trains. We had contemplated providing some shelter at that point when we felt

justified in making the outlay, as the line on which this station is located is unprofitable and does not meet its expenses. Eltingville and Grassmere are also located on the Staten Island Railway and the same question of providing funds to meet the outlay applies as at Grant City, at the same time these stations have waiting-rooms which provide shelter for our patrons. It is our intention and desire to provide facilities for our patrons as far as we are able, but the operation of the properties under present conditions, low rates of fare, high cost of operating expenses account of being located entirely within the limits of greater New York, do not permit of making the outlay which otherwise would be done."

The case was closed. Cornelius G. Kolff was a complainant in this matter. (Case No. 3443.)

XVI.

IN THE MATTER OF THE PETITION OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF ITS STATION AT LITCHFIELD, SITUATED ABOUT FOUR AND ONE-HALF MILES EASTERLY OF WAVERLY.

September 10, 1906.

This petition, by the Delaware, Lackawanna and Western Railroad Company, under section 34 of the Railroad Law, was filed with this Board on March 31, 1906. It asks the consent of this Board to the discontinuance of the station of said company at Litchfield, situated about four and one-half miles easterly of Waverly (it being proposed that passenger trains should continue to stop at this point). A public hearing in the matter was held at Litchfield by Commissioner Baker (by delegation of the Board) on May 12, 1906. C. J. Phillips, division superintendent, appeared for the company, and C. B. Lanning, supervisor of the town of Nichols (in which town Litchfield is situated) appeared on behalf of residents of Litchfield, in opposition. Superintendent Phillips stated that it was the desire of the company to discontinue the agency but to continue the stopping of passenger trains as on the schedule then existing. After discussion it was agreed that the agent then in charge should continue to act as agent, and the case was closed. (Case No. 3549.)

XVII.

IN THE MATTER OF THE COMPLAINT OF HENRY A. DANN AGAINST THE LEHIGH VALLEY RAILROAD COMPANY AS TO STATION.

September 10, 1906.

This complaint, by Henry A. Dann, of Lancaster, Erie county, New York, against the Lehigh Valley Railroad Company, was filed with this Board on April 27, 1906. It asked if this Board had consented to the discontinuance of the Lehigh Valley Railroad station at Lancaster and the complainant was informed that the Board had not so consented and was asked if the company had discontinued its passenger or freight station in Lancaster. The inspector of this Board reported in this matter as follows: " * * * There was formerly maintained at Lancaster by the Lehigh Valley Railroad Company a freight and passenger station. That station has recently been removed to a point on the road known as Transit, about one mile farther west, and on the site formerly occupied by the station there is a platform and siding, and on the siding is kept a freight car and a passenger coach. The freight car is used for storage of freight; the passenger car as a waiting-room for passengers, and in one end of it is established a freight and ticket

office, and a regular agent is there employed." A copy of this report was sent to complainant with a letter stating that if a complaint in the matter was received it would be investigated by this Board. Complainant informed the Board that "We thank you for report in reference to Lehigh Valley station here. We have been intending to look into this a little ourselves but have not found the time. When we do will confer with you further." Nothing further was heard from complainant and the case was closed. (Case No. 3568.)

XVIII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE PASSENGER STATION ON ITS BELT LINE RAILROAD IN THE CITY OF BUFFALO, KNOWN AS THE WATER WORKS STATION.

Determination. September 10, 1906.

This application, by the New York Central and Hudson River Railroad Company, was filed with this Board on July 10, 1906. It asks the consent of the Board to the discontinuance of the passenger station on its belt line railroad in the city of Buffalo, known as the Water Works station. The application is accompanied by a letter, dated June 20, 1906, to the company from F. G. Ward, commissioner department of public works of Buffalo, asking that this station be closed. A public hearing in the matter (after notice by advertisement in the newspapers and by posting of notices at the station) was held by Commissioners Baker and Rockwell (by delegation of the Board) in the city of Buffalo on August 23, 1906. Pooley & Spratt appeared for the applicant; F. G. Ward, commissioner of public works of the city of Buffalo, appeared in favor of the application. No one else appeared. After hearing evidence and arguments the hearing was closed. It appeared at the hearing that but few persons used this station, and Mr. Ward testified that in his opinion public safety and the public interests would be subserved by its abandonment. After consideration, this Board believes that the application should be granted.

The application is, therefore, granted, and this Board hereby consents, under section 34 of the Railroad Law, to the discontinuance of the passenger station on the belt line railroad of the New York Central and Hudson River Railroad Company in the city of Buffalo, known as the Water Works station.

This station has been discontinued. (Case No. 3640.)

XIX.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE FREIGHT STATION ON THE WEST SHORE RAILROAD, ITS LESSOR, AT MANLIUS CENTRE.

Determination. September 10, 1906.

This application, by the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, was filed with this Board on July 12, 1906. It asks the consent of the Board to the discontinuance of the freight station on the West Shore railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Manlius Centre, it being proposed that the freight now handled at this station shall

be handled at the Minoa station on the New York Central and Hudson River railroad. A public hearing in the matter (after notice by advertisement in the newspapers and by posting of notices at the station) was held by Commissioners Baker and Rockwell (by delegation of the Board) in the city of Syracuse on August 24, 1906. Hiscock, Doheny, Williams & Cowie (LeRoy B. Williams appearing) appeared for the applicant. No one else appeared. After hearing the evidence and arguments, the hearing was closed. There is a passenger station on the West Shore railroad at Manlius Centre, which it is not proposed to discontinue. All the freight business at the Manlius Centre station is attended to by the agent at the Minoa station, as the two stations are only about one-quarter of a mile apart, and as Minoa is the most suitable and convenient place for the handling of the freight it seems to this Board that this application should be granted.

The application is, therefore, granted, and this Board hereby consents, under section 34 of the Railroad Law, to the discontinuance of the freight station on the West Shore railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Manlius Centre.

This freight station has been discontinued. (Case No. 3643.)

XX.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO THE TEMPORARY CLOSING OF ITS STATION AT AVENUE C, ON ITS BRIGHTON BEACH LINE.

October 3, 1906.

This application, by the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, was filed with this Board on August 29, 1906. It asks the consent of the Board to the temporary discontinuance of the station of said company at Avenue C on its Brighton Beach line, because of work going on at that point in depressing the tracks of the company's railroad. After investigation of the matter, this Board recommended to the company that during the reconstruction of its Brighton Beach line it stop all westbound trains at Avenue C station during the morning rush hours and all eastbound trains at that station during the evening rush hours. The company informed this Board that this recommendation would be complied with. This disposed of the application. (Case No. 3705.)

XXI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE PASSENGER STATION OF THE WEST SHORE RAILROAD, ITS LESSOR, AT ITS PRESENT LOCATION ON HAMMOND AVENUE NEAR SOUTH STREET IN EAST UTICA, IT BEING PROPOSED TO CONSTRUCT A NEW PASSENGER STATION ON SAID WEST SHORE RAILROAD AT GENESEE STREET IN UTICA, TO TAKE THE PLACE OF THE SAID PRESENT STATION ON HAMMOND AVENUE.

Determination. December 4, 1906.

This application by the New York Central and Hudson Railroad Company, under section 34 of the Railroad Law, was filed with this Board on October 18, 1906. It asks the consent of the Board to the discontinuance of the passenger station on the West Shore railroad (leased to and operated by

the New York Central and Hudson River Railroad Company) at its present location on Hammond avenue near South street in East Utica, it being proposed to construct a new passenger station on said West Shore railroad at Genesee street in Utica, to take the place of the said present station on Hammond avenue. A public hearing in this matter, after notice by advertisements in newspapers and by posting of notices at the station and after notice to the mayor, was held by Commissioners Baker and Rockwell of this Board (by delegation of the Board) in the city of Utica on December 3, 1906. Lewis, Watkins & Titus, appeared for the applicant; Henry F. Coupe, appeared for manufacturers and business men in opposition to the discontinuance of the station at Hammond avenue. After hearing evidence and arguments, the evidence was closed. It appeared at the hearing that the main reason for the proposed change of the station is that the West Shore railroad is now being equipped for operation of cars by electricity between Syracuse and Utica and that at Utica it is proposed that the electric cars using the West Shore railroad shall proceed through Genesee street to the center of the city; it also appeared in the opinion of Commissioners Baker and Rockwell that under these circumstances the larger number of residents of the city would be accommodated with a station at Genesee street than with the present station on Hammond avenue. Under these circumstances this Board believes that this application should be granted.

This application is, therefore, granted and this Board hereby consents, under section 34 of the Railroad Law, to the discontinuance of the passenger station on the West Shore railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at its present location on Hammond avenue near South street in East Utica on condition that a new passenger station be constructed on said West Shore railroad at Genesee street in Utica.

At the time of writing this report, this change has not been made.
(Case No. 3766.)

XXII.

IN THE MATTER OF THE APPLICATION OF THE RUTLAND RAILROAD COMPANY,
UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF ITS STATION AT THE HAMLET OF WEST LEBANON.

Determination. December 13, 1905.

This application by the Rutland Railroad Company, under section 34 of the Railroad Law, for consent of this Board to the discontinuance of its station at the hamlet of West Lebanon, was filed with this Board on June 21, 1905. Public hearings in the matter was given by this Board in the city of Albany on August 14 and November 9. P. M. Meldon appeared for the applicant; Rockefeller & Holsapple appeared for residents of New Lebanon in favor of the application; W. E. Woollard appeared for residents of the town of West Lebanon in opposition to the application. At the hearing on August 14, it appeared that a station building formerly existing at West Lebanon had been burned and that a bridge leading across a creek from the hamlet of West Lebanon to the highway leading to the old West Lebanon station had been carried away and not replaced except by a temporary foot-bridge; that because of the absence of a proper bridge it was not convenient for passengers from West Lebanon to reach the West Lebanon station, and Mr. Woollard stated that, "There is a case pending in the Appellate Division in this department. An action was brought to compel the town to erect an approach across this Kinderhook creek, is it, which is the approach to this station. Now, if the people of West Lebanon lose that case and the bridge can't be erected, then there will be no opposition to this, but in case they succeed in their action and the bridge is ordered erected

and the town constructs the bridge, then we expect to come here and prove to your Commission, by a preponderance of evidence, and show the facts as they are,—that by at least seven to one it is more accessible in proportion to use the West Lebanon station than to use Adams crossing." At the hearing on November ninth, it appeared that the action in question had been determined in favor of the town and that it was not compelled to erect the bridge.

It also appeared at the hearings that trains were stopping regularly at the Adams crossing and on flag at the West Lebanon station, which are about a mile apart along the line of the railroad.

It appears to this Board from the evidence that the application should be granted. In the absence of a proper bridge across the creek it is especially clear that the Adams crossing stop is more convenient for people in the vicinity, including those at West Lebanon. The application is, therefore, granted and this Board hereby consents, under section 34 of the Railroad Law, to the discontinuance of the station of the Rutland Railroad Company at West Lebanon on condition that the company construct and maintain a new station at the point known as Adams crossing.

This determination was complied with by the company, a car properly fitted up as a station being located at Adams crossing, as reported by an inspector of this Board. (Case No. 3357.)

XXIII.

IN THE MATTER OF THE APPLICATION OF THE CENTRAL NEW ENGLAND RAILWAY COMPANY, THE DUTCHESS COUNTY RAILROAD COMPANY, AND THE NEWBURGH, DUTCHESS AND CONNECTICUT RAILROAD COMPANY, UNDER SECTION 34 OF THE RAILROAD LAW, FOR CONSENT TO THE DISCONTINUANCE OF THE PRESENT PASSENGER AND FREIGHT STATIONS ON THE NEWBURGH, DUTCHESS AND CONNECTICUT RAILROAD AT HOPEWELL JUNCTION AND THE RE-ESTABLISHMENT OF THE SAME AT A POINT NEAR WHERE THE CENTRAL NEW ENGLAND RAILWAY (OR DUTCHESS COUNTY RAILROAD) AND THE NEWBURGH, DUTCHESS AND CONNECTICUT RAILROAD CROSS AT GRADE AT HOPEWELL JUNCTION.

Determination. December 17, 1906.

This application, by the Central New England Railway Company, the Dutchess County Railroad Company and the Newburgh, Dutchess and Connecticut Railroad Company, under section 34 of the Railroad Law, was filed with this Board on November 27, 1906. It asks the consent of the Board to the discontinuance of the present passenger and freight stations on the Newburgh, Dutchess and Connecticut railroad at Hopewell Junction and the re-establishment of the same at a point near where the Central New England railway (or Dutchess County railroad) and the Newburgh, Dutchess and Connecticut railroad cross at grade at Hopewell Junction. A public hearing in this matter, after notice by advertisement in newspapers and by posting of notices at the present stations, and after notice to the supervisor of the town in which Hopewell Junction is located, was held by this Board in New York city on December 17, 1906. William Greenough, attorney, appeared for the applicants; no one else appeared. After hearing evidence and arguments the hearing was closed.

The present location of the passenger station is about six hundred (600) feet from the crossing and the present location of the freight station is about seven hundred (700) feet from the crossing. It is not proposed that new buildings shall be constructed, but that the present ones shall be moved to the crossing. The Central New England railway is the lessee of the Newburgh, Dutchess and Connecticut railroad. From the evidence at the

hearing it is clear that the convenience of the public will be served by the location of the stations at the point where these railroads cross.

This application is, therefore, granted and this Board hereby contents, under section 34 of the Railroad Law, to the discontinuance of the present passenger and freight stations on the Newburgh, Dutchess and Connecticut railroad at Hopewell Junction, on condition that said stations are re-established at a point near where the Central New England railway (or Dutchess County railroad) and the Newburgh, Dutchess and Connecticut railroad cross at grade at Hopewell Junction.

At the time of writing this report the freight station has been so re-located, but the passenger station has not yet been changed. (Case No. 3829.)

Crossings.

See the title, "The Grade Crossing Law," in the Board's report at the beginning of this volume.

I.

IN THE MATTER OF THE DEPOT PLACE GRADE CROSSING OF THE NEW YORK AND PUTNAM DIVISION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, NEW YORK CITY.

December 5, 1906.

On July 25, 1904, this Board recommended to the New York Central and Hudson River Railroad Company that at the Depot place grade crossing of the New York and Putnam division of its railroad at High Bridge station, New York city, gates be erected and operated at all hours, this recommendation being made on the report of the electrical expert. On November 15, 1905, an inspector of the Board reported in this matter as follows: "The two tracks of the Putnam division and the three tracks of the Hudson River division of the New York Central and Hudson River Railroad are very close together at High Bridge station where Depot Place street crosses them, the Hudson River tracks being on the west side. A gate has been put up on the west side of the Hudson River division tracks, and a man stationed there to operate it. On the east side of the Putnam division tracks a flagman is stationed, but no gates are in use. This street is to be carried over the tracks of both divisions of the railroad by a bridge, the abutments of which are built, and the iron for which is on the ground. It will be erected as soon as the city completes a fill at the east abutment. The recommendation of Inspector C. R. Barnes, made June 16, 1904, would be of no use, and cannot now be put into effect, as the east abutment entirely blocks the street and a temporary crossing is used." (Case No. 3173.)

II.

IN THE MATTER OF THE COMPLAINT OF THE THIRTY-FIRST WARD TAXPAYERS' ASSOCIATION OF BROOKLYN AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO CROSSINGS.

December 13, 1905.

This complaint, by William J. Thom, secretary of the Thirty-first Ward Taxpayers' Association of Brooklyn, was filed with this Board on December 2, 1905. An inspector of this Board reported in the matter as follows: "I have to-day inspected the crossings at King's Highway and Greenfield stations as complained of by Mr. Wm. J. Thom as being dangerous grade crossings over the tracks of the Brooklyn and Brighton Beach division of the Brooklyn Heights Railroad. At King's Highway I find a wide, well-travelled street crossing the Brooklyn Heights Railroad tracks at right angles. The street wide, straight and level. The crossing wide, well-planked and level with railroad tracks. The view good. There is only one building near the railroad, fifty feet distant, that obstructs the view in either direction. All

trains or cars, except work, ash or freight trains, going in either direction, make the station stop before crossing the street. At Greenfield station there are three streets north of the station, 270 feet between streets. On the street at the station the same conditions exist as at King's Highway. All passenger trains and cars stop before crossing the street. This street is well travelled and not improved in any way. The travelled portion is about thirty feet wide, straight and level. Crossings and approaches level and well planked. There is one house on the west side of the railroad, twenty-four feet distant, which does somewhat obstruct the view, but a car can be seen approaching from the south for 500 feet. The view to the north is clear. The next street north, 270 feet, is not much used, being a dirt road and not improved. There is only one building near the railroad, that being on the west side and forty feet from the track. The view of approaching trains or cars to this crossing from either direction is good. The second street north of Greenfield station, 540 feet, is the same as the last one mentioned, a dirt street, about thirty feet wide in used portion, not much travelled, straight and level. The crossing is level and well planked. Approaches full width and well filled. There are no buildings in this vicinity, except one going up on the northwest side of the railroad, fifty feet from the railroad tracks. With this exception the view of both north and southbound tracks is good in both directions. The surrounding land is level at these three streets, and there are not many residences or buildings of any kind in the near vicinity. The streets and crossings are level and the view generally good. None of the four street crossings mentioned in this report are more dangerous than ordinary grade crossings where there is a fair amount of traffic and a large number of trains run. The train service on this line is fifteen minutes headway night and morning and twenty minutes headway during the rest of the day. The railroad track between these streets, especially the three at Greenfield station, is used by pedestrians going in all directions. I noticed many school children walking up and down the tracks between the streets, and the indications show that many people use the railroad tracks and the bank alongside the tracks to walk on. Reports in this office show that the man mentioned in this complaint as killed at Greenfield station on October 21, 1905, was walking on the track when struck and killed. From my inspection, and the conditions surrounding these crossings, I fail to see why flagmen should be stationed at them at this time."

The case was closed. (Case No. 3463.)

III.

IN THE MATTER OF THE APPLICATION OF THE TERMINAL RAILWAY OF BUFFALO AND THE LEHIGH VALLEY RAILROAD COMPANY (JOINED), UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH A RAILROAD TRACK TO CONNECT THE TERMINAL RAILWAY OF BUFFALO AND THE DEPEW AND TONAWANDA BRANCH OF THE LEHIGH VALLEY RAILROAD SHALL CROSS THE STREET OR HIGHWAY KNOWN AS THE ELLICOTT ROAD IN THE VILLAGE OF DEPEW.

Determination. December 13, 1905.

This application, by the Terminal Railway of Buffalo and the Lehigh Valley Railroad Company (joined), under section 60 of the Railroad Law, was filed with this Board on October 3, 1905. The applicants ask the Board to determine the manner in which a railroad track to connect the Terminal Railway of Buffalo and the Depew and Tonawanda branch of the Lehigh Valley Railroad shall cross the street or highway known as the Ellicott road in the village of Depew, it being proposed that said railroad track shall cross beneath the street, the street to be carried over on an overhead bridge. A public hearing in this matter, after notice as required by the statute, was held by this Board in Buffalo on December 5, 1905. Pooley & Spratt appeared for the applicants; S. G. O'Hart appeared for the village of Depew and asked

that the overhead bridge to carry the street over the railroad track should have a driveway fifty feet wide and a sidewalk eight feet wide and that the grade on the westerly approach to the bridge should be three per cent. instead of four per cent. After hearing evidence and arguments the evidence was closed, but the matter was held open. The applicants have filed with this Board a plan of the proposed overhead bridge showing a driveway forty feet wide, but no sidewalk, and a four per cent. grade on the approach to said overhead bridge on the westerly side and a grade of 0.9 per cent. on the approach to said overhead bridge on the easterly side, the grades ascending toward the bridge, and the approaches to be forty feet wide. This Board believes that the width of the approaches and bridge shown on said plan is sufficient; a sidewalk may be added to the bridge, but it would seem that this is a matter which may be agreed upon between the village and the applicant companies.

This Board hereby determines, under section 60 of the Railroad Law, that the said railroad track to connect the Terminal Railway of Buffalo and the Depew and Tonawanda branch of the Lehigh Valley Railroad shall cross the street or highway known as the Ellicott road in the village of Depew beneath the grade of said street or highway, the street or highway to be carried over said railroad track on an overhead bridge, the width of the driveway on said bridge and approaches thereto to be forty feet and the grade on the westerly approach to be four per cent. ascending toward the bridge and the grade on the easterly approach to be 0.9 per cent. ascending toward the bridge.

This undercrossing by the railroad has not yet been constructed. (Grade Crossing Case No. 560.)

IV.

IN THE MATTER OF THE APPLICATION OF THE WARREN AND JAMESTOWN STREET RAILWAY COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO WHETHER ITS SINGLE TRACK ELECTRIC RAILWAY SHALL CROSS THE DUNKIRK, ALLEGHENY VALLEY AND PITTSBURG RAILROAD (STEAM — OPERATED BY THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY) ABOVE, BELOW OR AT THE GRADE OF SAID STEAM RAILROAD.

December 22, 1905.

See page 151, first volume 1904 report of this Board. The undercrossing of the steam railroad referred to in the determination has been constructed. (Case No. 3246.)

V.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF PUBLIC WORKS OF THE CITY OF CORNING AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AND THE CORNING AND PAINTED POST STREET RAILWAY COMPANY.

January 9, 1906.

This complaint, by the board of public works of the city of Corning, against the New York Central and Hudson River Railroad Company and the Corning and Painted Post Street Railway Company, was filed with this Board on October 30, 1905. It alleged that a bridge over the Pennsylvania division of the New York Central and Hudson River Railroad at State street in Corning, which bridge is used by the cars of the Corning and Painted Post Street Railway, was in a dangerous condition. After reports, dated October 26, 1905, and January 9, 1906, by a civil engineer employed by this Board, no further action was taken by the Board in the matter. (Case No. 3444.)

VI.

IN THE MATTER OF THE APPLICATION OF THE BATTENKILL RAILROAD COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO THE CROSSINGS TO BE MADE BY SAID RAILROAD OF THE HUDSON VALLEY RAILWAY AT TWO POINTS.

February 6, 1906.

See page 187, first volume 1903 report of this Board. Under date of February 2, 1906, the superintendent of the grade crossing bureau in this department reported that the crossing of the Hudson Valley Railway in the River road at Thomson is not protected by signals but is protected by a flag-man. No further action in the matter was taken by this Board. (Case No. 2881.)

VII.

IN THE MATTER OF THE APPLICATION OF THE CORNING AND PAINTED POST STREET RAILWAY COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, AS TO CROSSING THE ERIE RAILROAD (STEAM) AT A POINT IN THE TOWN OF CORNING, STEUBEN COUNTY, NEAR WHAT IS KNOWN AS THE CROTON ROAD HIGHWAY.

February 13, 1906.

This application was filed with this Board on March 28, 1905. At a public hearing in the matter in the city of Elmira on May 16, 1906, it appeared that litigation as to the right of the company to construct its railroad at this point was in progress and the matter was held pending the determination in that litigation. Subsequently, the applicant not having proceeded with this matter, this case was closed. (Case No. 3316.)

VIII.

IN THE MATTER OF THE PETITION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE PECK AND NOTT STREETS GRADE CROSSINGS OF ITS RAILROAD IN THE CITY OF SCHENECTADY.

Determination. February 13, 1906.

This petition, by the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, was filed with this Board on March 31, 1904. It alleges that public safety requires an alteration of the manner in which Peck and Nott streets in the city of Schenectady cross the Troy and Schenectady branch of said company's railroad and asks this Board to determine that said crossings which are now at grade shall be changed so that said streets shall cross underneath said railroad in under-crossings and that necessary modifications at Fonda and Center streets shall be made. A public hearing on this petition, after notice as required by the statute, was held by this Board in the city of Albany on January 10, 1906. George H. Walker appeared for the petitioner; Austin A. Yates appeared for the city; Louis M. King appeared for property owners; John D. Miller appeared for property owners; Daniel Naylor, Jr., appeared for Nicholas Naverette; John E. O'Brien, Patrick Carey, C. H. Cramer, Charles E. Scott and Daniel Naylor, Jr.; T. L. Randall appeared for Mrs. Hannah Schell, J. M. Zeiser appeared for Nola Zeiser; D. B. Lodge appeared for John Lodge; Miller & Golden appeared for Julius M. Zeiser and Mary H. Thomson, property owners; Miss Abby Clark appeared for the Patrick Clark estate; Philip

Ernst appeared as a property owner; M. Ketchener appeared for himself; Christopher Grubala appeared as a property owner; Joseph Smith appeared for himself; Caroline S. Knowlton appeared as a property owner. After hearing evidence and arguments the hearing was adjourned until Tuesday, January 23d, and the adjourned hearing was held on that date in Albany, at which time it was stated that the city consented to the petition and no one desired to present further evidence.

It seems to this Board from the evidence that public safety requires that these grade crossings should be changed to undercrossings. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossings at grade of the Troy and Schenectady branch of the New York Central and Hudson River Railroad by Peek and Nott streets in the city of Schenectady shall be changed from grade to undercrossings and that said streets shall cross underneath said railroad in undercrossings and that necessary modifications at Fonda and Center streets shall be made,—substantially as shown on a blue-print plan for said work on file with the papers in this matter in this office, entitled: "N. Y. C. & H. R. R. R., Mohawk Division, Troy & Schenectady Branch. Map and Profile of Schenectady Improvement. Elimination of Grade Crossings—Nott & Peek streets, with necessary modifications of Fonda & Center streets, Scales as indicated. Office of Chief Engineer, New York, Feb. 8, 1904. Issue No. 3. Approved. W. J. Wilgus, Fifth Vice-President N. Y. C. & H. R. R."

Plans, estimate of expense, specifications for the substructural work and proposals of contractor for the substructural work, at these crossings have been approved. It is expected that this work will be completed during 1907. (Grade Crossing Case No. 477.)

IX.

IN THE MATTER OF THE APPLICATION OF THE DELAWARE AND EASTERN RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE TRACK RAILROAD SHALL CROSS STREETS, AVENUES AND HIGHWAYS IN DELAWARE COUNTY.

Determination. February 13, 1906.

This application, by the Delaware and Eastern Railroad Company, under section 60 of the Railroad Law, was filed with this Board on November 27, 1905. The applicant asks the Board to determine the manner in which its single-track railway shall cross the following streets, avenues and highways in Delaware county, to wit:

Town of Hancock.

1. The highway known as the River road, leading from East Branch to Harvard, near a sawmill.
2. The highway known as the River road, leading from East Branch to Harvard.

Town of Colchester.

3. The highway near Shinhopple cross-road.
4. The highway leading across river, through property of J. K. Bull.
5. The highway near Downs ville, through property of Martin.
6. The highway known as Kingsley crossing, near Holiday's bridge.

Town of Andes.

7. The highway leading from Shavertown, through property of Charles Neish.
8. The highway leading from Shavertown to Andes, near property of Peter Shafer.
9. The highway on the River road, near Norris property.
10. The highway leading from Shavertown to Andes, through property of H. L. Miner.
11. The highway known as Wolf Hollow road.
12. The highway near Kaufman creamery.
13. The highway known as Bullet Hole road.
14. The highway near the Norris property.
15. The highway leading to Margaretville.

Town of Middletown.

16. The highway known as Arena-Millbrook road.
17. The highway known as Arena-Margaretville road, about one-half mile above Andes.
18. The highway at Hall's bridge.
19. The highway leading from Arena to Margaretville, through Sanford's property.
20. The highway known as Dunn-Raven road, through Dimmick's property.

Village of Margaretville.

21. The highway or street in Margaretville, at a point near the east branch of the Delaware river.

Public hearings in the matter were held by this Board in the city of New York on December 19, 1905, and in the city of Albany on January 9, 1906. Edward J. Welch appeared for the applicant. Statements from a majority of the town board of the town of Andes and from a majority of the town board of the town of Hancock were filed with the Board in relation to the proposed crossings in said towns. An inspection of and report as to those crossings was made by the inspector of the Board.

After consideration of the evidence, this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the single-track railway of the Delaware and Eastern Railroad Company to cross otherwise than at grade the streets, avenues and highways herein-after named:

Town of Hancock.

1. The highway known as the River road, leading from East Branch to Harvard, near a sawmill.
2. The highway known as the River road, leading from East Branch to Harvard.

Town of Colechester.

3. The highway near Shinhopple cross-road.
4. The highway leading across river, through property of J. H. Bull.
5. The highway near Downsville, through property of Martin.
6. The highway known as Kingsley crossing, near Holliday's bridge.

Town of Andes.

7. The highway leading from Shavertown, through property of Charles Neish.
8. The highway leading from Shavertown to Andes, near property of Peter Shafer.
9. The highway on the River road, near Norris property.
10. The highway leading from Shavertown to Andes, through property of H. L. Miner.

11. The highway known as Wolf Hollow road.
12. The highway near Kaufman creamery.
13. The highway known as Bullet Hole road.
14. The highway near the Norris property.
15. The highway leading to Margaretville.

Town of Middletown.

16. The highway known as Arena-Millbrook road.
17. The highway known as Arena-Margaretville road, about one-half mile above Andes.
18. The highway at Hall's bridge.
19. The highway leading from Arena to Margaretville, through Sanford's property.
20. The highway known as Dunn-Raven road, through Dimmick's property.

Village of Margaretville.

21. A highway or street in Margaretville, at a point near the east branch of the Delaware river.

At the time of writing this report these crossings except those on the Andes branch have been constructed. (Grade Crossing Case No. 574.)

X.

IN THE MATTER OF THE PETITION OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO A GRADE CROSSING OF THE HIGHLAND DIVISION OF SAID COMPANY'S RAILROAD IN THE TOWN OF SOUTH EAST, PUTNAM COUNTY, BY A HIGHWAY AT A POINT KNOWN AS THE FIRST GRADE CROSSING WEST OF BRIDGE OVER CROTON RIVER AT BREWSTER.

Determination. February 13, 1906.

This petition, by the New York, New Haven and Hartford Railroad Company, under section 62 of the Railroad Law, was filed with this Board on August 24, 1905. It alleges that public safety requires an alteration in the manner in which a highway in the town of South East, Putnam county, crosses the Highland division of said company's railroad at a point known as the first grade crossing west of bridge over Croton river at Brewster and asks this Board to determine that said crossing shall be changed from grade to an under-crossing of the railroad. A public hearing on this petition, after notice as required by the statute, was held by this Board in the city of New York on November 15, 1905. William Greenough appeared for the petitioner; W. E. Addis appeared for the village of Brewster; I. J. Beaudrias appeared for the city of New York. After hearing evidence and arguments, the evidence was closed but the matter was held open. Pending at the same time before this Board, was an application of this company for a determination by this Board, under section 60 of the Railroad Law, as to the manner in which a second track of the Highland division of its railroad shall cross streets, avenues and highways in the counties of Dutchess and Putnam and the crossing in reference to which this section 62 application is made is one of those involved in the section 60 application, which latter application this Board has determined on this date, said determination providing so far as this crossing in question is concerned, that the second track shall cross above the grade of this crossing.

After consideration the prayer of this petition is hereby denied, for the present at least.

See next following determination. (Grade Crossing Case No. 556.)

XI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, ASKING THIS BOARD TO REOPEN AND REDETERMINE THE MATTER OF ITS PETITION, UNDER SECTION 62 OF THE RAILROAD LAW, WHICH WAS DENIED ON FEBRUARY 13, 1906, AS TO A GRADE CROSSING OF THE HIGHLAND DIVISION OF SAID COMPANY'S RAILROAD IN THE TOWN OF SOUTH EAST, PUTNAM COUNTY, BY A HIGHWAY AT A POINT KNOWN AS THE FIRST GRADE CROSSING WEST OF BRIDGE OVER CROTON RIVER AT BREWSTER.

Determination. May 9, 1906.

This application was made verbally to this Board by William Greenough, attorney of the company, on April 24, 1906. Subsequently Mr. Greenough filed with the Board a letter, dated May 4, 1906, reiterating the application. A hearing on said application was held by this Board in the city of New York on May 9, 1906, after notice to those who received the determination of February 13, 1906, which denied the petition of the company. At this hearing William Greenough appeared for the company. No one else appeared. No evidence was submitted in this application, the applicant resting on the evidence formerly submitted. The hearing on this application was closed.

In the determination of February 13, it is stated that "After consideration the prayer of this petition is hereby denied, for the present at least."

After the rehearing and after further consideration of the matter, the Board believes that the prayer of the petition should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Highland division of the New York, New Haven and Hartford railroad by a highway in the town of South East, Putnam county, at a point known as the first grade crossing west of bridge over Croton river at Brewster shall be changed from grade to an undercrossing of said railroad.

This undercrossing is constructed and in use, and the settlement of costs has been made. (Grade Crossing Case No. 556.)

XII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY ON ITS OWN BEHALF AND ON BEHALF OF ITS LESSOR, THE NEW ENGLAND RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH A SECOND TRACK OF THE HIGHLAND DIVISION OF THE RAILROAD OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN THE COUNTIES OF DUTCHESS AND PUTNAM.

Determination. February 13, 1906.

This application, by the New York, New Haven and Hartford Railroad Company on its own behalf and on behalf of its lessor, the New England Railroad Company, under section 60 of the Railroad Law, was filed with this Board on October 2, 1905. The applicant asks the Board to determine the manner in which a second track of the Highland division of the New York, New Haven and Hartford railroad shall cross the following streets, avenues or highways in the counties of Dutchess and Putnam, to wit:

In the County of Dutchess.

1. The highway in the town of East Fishkill, crossing west of station 11, 230 and east of Hopewell Junction.
2. The highway in the town of East Fishkill known as "Road from Stormville to Hopewell," crossing located about one mile west of Stormville.
3. The highway in the town of East Fishkill, known as "Main road through town of Stormville," crossing located at Stormville station.

4. The highway in the town of East Fishkill, crossing located about one quarter of a mile east of Stormville station.

5. The highway in the town of Beekman, known as "Mountain Road," crossing located at Green Haven station.

6. The highway in the town of Beekman, known as "Whaley Pond Road," crossing located at Poughquag station.

7. The highway in the town of Pawling, crossing located at West Pawling station.

7½. An overhead bridge for a public highway in the town of Pawling at east end of Whaley's pond, one mile west of Block station on top of hill half-way between West Pawling and Reynoldsville near mile post 27.

8. The highway in the town of Pawling, leading south from the town of Reynoldsville, crossing just east of Reynoldsville station.

In the County of Putnam.

9. The highway in the town of Patterson, crossing located west of West Patterson station.

10. The highway in the town of Patterson at the crossing known as St. John's crossing, one-half mile east of West Patterson.

11. The highway in the town of Patterson at the crossing known as Peck's crossing, one mile west of Towners station.

12. The highway in the town of Patterson, an undercrossing located near Station 10,390, west of Towners station.

13. The highway in the town of Patterson, crossing located near Station 10,380, west of Towners station.

13½. In the town of Patterson, two undercrossings located 600 feet and 800 feet east of Towners station and just west of the Harlem railroad, to be closed and one new undercrossing to be constructed.

14. The highway in the town of South East, crossing located near Station 10,180, just east of Dykemans station.

15. The highway in the town of South East, crossing located near Station 10,090, west of Brewster station.

16. Highway in the town of South East leading to Brewster, crossing located at the west end of the Brewster yard and one-third of a mile west of Brewster station.

17. The highway in the town of South East, crossing located on Pleasant Hill, one-half mile east of Brewster just west of Croton river.

18. The highway in the town of South East, crossing just east of the Croton river.

19. The highway in the town of South East, crossing located near Station 9,990.

20. The highway in the town of South East, crossing located two and one-half miles east of Brewster, near Station 9,900.

Public hearings in this matter were held in the city of New York on October 18 and November 15, 1905. William Greenough appeared for the applicant; Lewis H. Wright, supervisor, appeared for the town of East Fishkill, Dutchess county; C. A. Fowler engineer of Dutchess county, appeared particularly in relation to crossings in the town of East Fishkill, Dutchess county; Henry A. Holmes, supervisor, appeared for the town of Pawling, Dutchess county; Henry Maybie, supervisor, appeared for the town of Patterson, Putnam county. The evidence was closed on November 15, but the matter was held open. On December 12, 1905, William H. Calowell, a property owner, appeared before the Board in Albany, and asked that determination be that the crossing with the second track at crossing No. 4, be that the second track shall cross above the highway.

After consideration of the evidence, this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the said second track of the Highland division of the New York, New Haven and Hartford railroad to cross otherwise than at grade the highways hereinafter named, except where a method of crossing otherwise than at grade is hereinafter named and in such cases this Board hereby determines that said crossings by the railroad track shall be over or under the highway as set forth:

In the County of Dutchess.

1. Under the grade of the highway in the town of East Fishkill, the crossing being west of Station 11,230 and east of Hopewell Junction.
2. At grade the highway in the town of East Fishkill known as "Road from Stormville to Hopewell," crossing located about one mile west of Stormville.
3. At grade the highway in the town of East Fishkill known as "Main Road through town of Stormville," crossing located at Stormville station.
4. Over the grade of the highway in the town of East Fishkill, crossing located about one-quarter of a mile east of Stormville station.
5. At grade the highway in the town of Beekman, known as "Mountain Road," crossing located at Green Haven station.
6. At grade, the highway in the town of Beekman, known as "Whaley Pond Road," crossing located at Poughquag station.
7. At grade, the highway in the town of Pawling, crossing located at West Pawling station.
- 7½. Under the grade of the highway in the town of Pawling at east end of Whaley's pond, one mile west of Block station on top of hill half-way between West Pawling and Reynoldsville near mile post 27.
8. At grade the highway in the town of Pawling, leading south from the town of Reynoldsville, crossing just east of Reynoldsville station.

In the County of Putnam.

9. Under the grade of the highway in the town of Patterson, crossing located west of West Patterson station.
10. At grade the highway in the town of Patterson at the crossing known as St. John's crossing, one-half mile east of West Patterson.
11. Over the grade of the highway in the town of Patterson at the crossing known as Peck's crossing, one mile west of Towners station.
12. Over the grade of the highway in the town of Patterson, located near Station 10,390, west of Towners station.
13. Over the grade of the highway in the town of Patterson, crossing located near Station 10,380, west of Towners station.
- 13½. Over the grade of two highways in the town of Patterson, located 600 feet and 800 feet east of Towners station and just west of the Harlem Railroad, two existing undercrossings to be closed and one new undercrossing to be constructed.
14. Under the grade of the highway in the town of South East, crossing located near Station 10,180 just east of Dykemans station.
15. Under the grade of the highway in the town of South East, crossing located near Station 10,090, west of Brewster station.
16. At grade the highway in the town of South East leading to Brewster, crossing located at the west end of the Brewster yard and one-third of a mile west of Brewster station.
17. Over the grade of the highway in the town of South East, crossing located on Pleasant Hill one-half mile east of Brewster, just west of Croton river.
18. Over the grade of the highway in the town of South East, crossing just east of the Croton river.
19. Under the grade of the highway in the town of South East, crossing located near Station 9,990.
20. At grade the highway in the town of South East, crossing located two and one-half miles east of Brewster, near Station 9,900.

The work at nearly all of these crossings has been completed. (Grade Crossing Case No. 559.)

XIII.

IN THE MATTER OF THE APPLICATION OF THE KEESEVILLE, AUSABLE CHASM AND LAKE CHAMPLAIN RAILROAD COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO WHETHER ITS SINGLE-TRACK RAILROAD SHALL CROSS THE NEW YORK AND CANADA RAILROAD (OPERATED BY THE DELAWARE AND HUDSON COMPANY) AT PORT KENT ABOVE, BELOW OR AT THE GRADE OF SAID LAST-NAMED RAILROAD.

Determination. February 13, 1906.

This application, under section 68 of the Railroad Law, by the Keeseville, Ausable Chasm and Lake Champlain Railroad Company, was filed with this Board on March 28, 1905. It asks the Board to determine whether the railroad of the applicant company (single track; to be operated by the third-rail electric system) shall cross the New York and Canada Railroad (steam—operated by The Delaware and Hudson Company) at Port Kent above, below or at the grade of the New York and Canada Railroad, which railroad at this point now consists of one main track and two sidings. Public hearings in the matter were given by this Board in the city of Albany on November 9 and December 12. Thomas O'Connor appeared for the applicant; Lewis E. Carr appeared for The Delaware and Hudson Company and the New York and Canada Railroad Company in opposition to a crossing at grade. The hearing was closed on December 12. The applicant asked that the crossing may be made at grade. Evidence was given as to a grade crossing and as to an overcrossing and an undercrossing.

It is clear to this Board from the evidence that considerations of public safety would not justify the Board in determining that the crossing may be made at grade. The steam railroad operates many trains at this point and the construction of the electric railroad across it at grade, even though protected with proper, interlocked switch and signal devices, would create conditions of danger of collision between the steam trains and the electric trains or cars which should not be permitted, especially when it appears from the evidence that an undercrossing of the steam railroad can be made in a practicable manner and at reasonable cost,—the evidence being that the cost of an undercrossing will be about \$18,000.

For these reasons this Board, under section 68 of the Railroad Law, hereby determines that the single-track railroad of the Keeseville, Ausable Chasm and Lake Champlain Railroad Company shall cross one main track and two sidings of the New York and Canada Railroad (operated by The Delaware and Hudson Company) at a point about 300 feet south of the Port Kent station on the New York and Canada Railroad (which point is not in a highway) below the grade of said New York and Canada Railroad. This Board also hereby determines, under section 68 of the Railroad Law, that the entire expense of said undercrossing to be constructed shall be borne by the Keeseville, Ausable Chasm and Lake Champlain Railroad Company.

This undercrossing has not been constructed. At the time of writing this report the applicant has asked for a re-hearing and re-determination of the matter. (Case No. 3315.)

XIV.

IN THE MATTER OF THE PETITION OF THE CENTRAL NEW ENGLAND RAILWAY COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF A GRADE CROSSING OF SAID COMPANY'S RAILWAY BY A HIGHWAY IN THE TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY.

Determination. March 6, 1906.

This petition, by the Central New England Railway Company, under section 62 of the Railroad Law, was filed with this Board on December 15,

1905. It alleges that public safety requires the closing and discontinuance of a grade crossing of said company's railway by a highway in the town of Pleasant Valley, Dutchess county, at a point immediately east of the Pleasant Valley station of said railway company. A public hearing on this petition, after notice as required by the statute, was given by this Board in Albany on January 9, 1906. William Greenough appeared for the petitioner; H. C. Barker appeared for George W. Doty, a property owner, in opposition; C. J. Drake appeared for the town of Pleasant Valley, in opposition. After hearing evidence and arguments the evidence was closed but the matter was held open. It appears that there is an existing road north of the railway connecting the highway, the crossing by which the petition asks shall be closed with a highway known as the Poughkeepsie road which crosses the railway at grade immediately west of the station and the proposition is that the travel from the crossing which the petition asks shall be closed shall be diverted to the Poughkeepsie road crossing through said connecting road, the length of the connecting road being about 150 feet.

It seems to this Board from the evidence that public safety requires that the crossing to which the petition relates should be closed and discontinued. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Central New England Railway by a highway in the town of Pleasant Valley, Dutchess county, situated at a point immediately east of the Pleasant Valley station of said railway company shall be closed and discontinued, the travel thereon to be diverted therefrom through a road now existing north of said company's railway connecting the highway the crossing of the railway by which is to be closed with the highway known as the Poughkeepsie road which now crosses said railway at grade immediately west of said station, which connecting road, if it be not now a highway, this Board hereby determines, under section 62 of the Railroad Law, shall be acquired and laid out as a highway, the crossing hereby determined to be closed not to be closed until the connecting road is acquired as a highway if it be not already a highway.

At the time of writing this report this crossing is closed. The existing road referred to was found to be a highway. No settlement of cost has yet been made. (Grade Crossing Case 557.)

XV.

IN THE MATTER OF THE APPLICATION OF THE WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY (WHOSE RAILROAD IS OPERATED BY THE PENNSYLVANIA RAILROAD COMPANY), UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS DOUBLE-TRACKED BRANCH RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN THE TOWN OF WEST SENECA, COUNTY OF ERIE.

Determination. March 6, 1906.

This application, by the Western New York and Pennsylvania Railway Company (whose railroad is operated by the Pennsylvania Railroad Company), was filed with this Board on February 20, 1906. The applicant asks the Board to determine the manner in which its double-tracked branch railroad shall cross the highways known as Electric avenue, South Park avenue (or White's Corners road) and Abbotts Corners road in the town of West Seneca, Erie county, it being proposed by the petition that said double-tracked branch railroad shall cross said highways over the grade of each of said highways. A public hearing in this matter, after notice as required by the statute, was held in the city of Albany on March 6, 1906. Frank Rumsey appeared for the applicant; John W. Fisher appeared for the town of West Seneca. After hearing evidence and arguments the hearing was closed.

There has been filed with this Board a copy of a consent of the town board and board of highway commissioners of the town of West Seneca in relation to these crossings, which consent contains certain conditions, the consent being marked in this office as having been filed here on March 6, 1906.

After consideration of the evidence this Board hereby determines, under section 60 of the Railroad Law, that the double-tracked branch railroad of the Western New York and Pennsylvania Railway Company (whose railroad is operated by the Pennsylvania Railroad Company) shall cross the highways known as Electric avenue, South Park avenue (or White's Corners road) and Abbotts Corners road in the town of West Seneca, Erie county, over the grade of each of said highways.

This determination, under section 60 of the Railroad Law, as to these crossings is upon condition that the conditions in the consent hereinabove referred to of the town board and board of highway commissioners of the town of West Seneca shall be complied with by the said Western New York and Pennsylvania Railway Company.

These crossings are under construction. (Grade Crossing Case No. 587.)

XVI.

IN THE MATTER OF THE APPLICATION OF THE LEHIGH AND LAKE ERIE RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS DOUBLE-TRACKED RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN THE COUNTY OF ERIE.

Determination. March 6, 1906.

This application, by the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, was filed with this Board on February 19, 1906. The applicant asks the Board to determine the manner in which its double-tracked railroad shall cross the following streets, avenues or highways in the county of Erie, to wit:

<i>Name of Highway.</i>	<i>Location.</i>
Harlem avenue.	The easterly half in the town of Cheektowaga; the westerly half in the village of Sloan.
William street.	Southerly half in the town of Cheektowaga; northerly half in village of Sloan.
Clinton street.	Northerly half in town of Cheektowaga; southerly half in town of West Seneca.
Mineral Springs road.	Town of West Seneca.
Winchester avenue.	Town of West Seneca.
Seneca Plank road (known as Seneca street).	Town of West Seneca.
Potters Corners road.	Town of West Seneca.
Ridge Road Extension.	Town of West Seneca.
Fisher road.	Town of West Seneca.
Abbotts Corners road.	Town of West Seneca.
White's Corners road (known as South Park avenue).	Town of West Seneca.
Electric avenue.	Town of West Seneca.

A public hearing in this matter, after notice as required by the statute, was held in the city of Albany on March 6, 1906. Bissell, Carey & Cooke appeared for the applicant; John W. Fisher appeared for the town of West Seneca and the town board of the town of Cheektowaga. After hearing evidence and arguments the hearing was closed.

There have been filed with this Board copies of consents of the town board and board of highway commissioners of the town of Cheektowaga, of the board of trustees of the village of Sloan and of the town board and board of highway commissioners of the town of West Seneca in relation to these crossings, which consents contain certain conditions, the consents being marked in this office as having been filed here on March 6, 1906, and March 12, 1906.

After the consideration of the evidence this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the double tracked railroad of the Lehigh and Lake Erie Railroad Company to cross otherwise than at grade the highways hereinafter named except where a method of crossing otherwise than at grade is hereinafter named and in such cases this Board hereby determines that said crossings by the double tracked railroad of the Lehigh and Lake Erie Railroad Company shall be over the grade of the highway as hereinafter set forth.

COUNTY OF ERIE.

Town of Cheektowaga, village of Sloan and town of West Seneca.

1. At grade the highway known as Harlem avenue.
2. Over the grade of the highway known as William street.
3. Over the grade of the highway known as Clinton street.

Town of West Seneca.

4. Over the grade of the highway known as Mineral Springs road.
5. Over the grade of the highway known as Winchester avenue.
6. Over the grade of the highway known as Seneca Plank road or Seneca street.
7. Over the grade of the highway known as Potters Corners road.
8. At grade the highway known as the Ridge road extension.
9. At grade the highway known as Fisher road.
10. Over the grade of the highway known as Abbots Corners road.
11. Over the grade of the highway known as White's Corners road, or South Park avenue.
12. Over the grade of the highway known as Electric avenue.

This determination, under section 60 of the Railroad Law, as to these crossings is upon condition that the conditions in the consents hereinabove referred to of the town board and board of highway commissioners of the town of Cheektowaga, of the board of trustees of the village of Sloan and of the town board and board of highway commissioners of the town of West Seneca shall be complied with by the said Lehigh and Lake Erie Railroad Company.

At the time of writing this report these crossings are nearing completion.
(Grade Crossing Case No. 586.)

XVII.

IN THE MATTER OF THE APPLICATION UNDER SECTION 68 OF THE RAILROAD LAW, OF THE LONG ISLAND ELECTRIC RAILWAY COMPANY (STREET SURFACE) AS TO ITS RAILWAY CROSSING THE LONG ISLAND RAILROAD (STEAM) AT A POINT WHERE THE LONG ISLAND RAILROAD CROSSES AT GRADE THE JAMAICA AND HEMPSTEAD TURNPIKE HIGHWAY EAST OF QUEENS, BOROUGH OF QUEENS, NEW YORK CITY.

March 16, 1906.

See page 168, first volume 1905 report of this Board. At the time of writing this report the crossing (at grade) is constructed and the derailing switches, V-shaped metal trough and signals are installed. (Case No. 3303.)

XVIII.

IN THE MATTER OF THE APPLICATION OF THE LEHIGH AND LAKE ERIE RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS DOUBLE TRACKED RAILROAD SHALL CROSS A HIGHWAY KNOWN AS DINGENS STREET IN THE TOWN OF CHEEKTOWAGA, ERIE COUNTY.

Determination. March 21, 1906.

This application, by the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, was filed with this Board on March 6, 1906. The applicant asks the Board to determine the manner in which its double tracked railroad shall cross Dingens street in the town of Cheektowaga, Erie county, the petition proposing that said railroad shall cross said highway over the grade of said highway. Hearings in the matter were given by this Board in Buffalo on March 14 and 15, 1906. Bissell, Carey & Cooke appeared for the applicant; John W. Fisher, attorney, and Frank Wildy, supervisor, appeared for the town of Cheektowaga not in opposition.

After the consideration of the evidence this Board hereby determines, under section 60 of the Railroad Law, that the double tracked railroad of the Lehigh and Lake Erie Railroad Company shall cross a highway known as Dingens street in the town of Cheektowaga, Erie county, over the grade of said highway.

At the time of writing this report this crossing is nearing completion.
(Grade Crossing Case No. 589.)

XIX.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE TRACK RAILROAD SHALL CROSS HIGHWAYS IN TOMPKINS COUNTY.

Determination. March 21, 1906.

This application, by The New York, Auburn and Lansing Railroad Company, under section 60 of the Railroad Law, was filed with this Board on January 3, 1906. The applicant asks the Board to determine the manner in which its single track railroad shall cross highways in Tompkins county, to wit:

Town of Lansing.

30. One mile north of North Lansing, Boyer crossing.
31. Road at North Lansing.
32. Road three and one-third miles north of Sage, Tarbell crossing.
33. Road 800 feet south of Beardsley Gulf, Kelley crossing.
34. Road two and one-fourth miles north of Sage, Miller crossing.
35. Road seven-eighths miles north of Sage, Steinburg crossing.
36. Road at Sage, Davis crossing.
37. Road one-fourth miles south of Sage, Teeter crossing.
38. Road one and one-eighth miles south of Sage, Conlin crossing.
39. Road two and one-half miles north of Esty Glen, Egan crossing.
40. Road two and one-half miles north of Esty Glen, Hagin crossing.
41. Road one and one-half miles north of Esty Glen, Sharpsteen crossing.
42. Lake road one-half mile north of Esty Glen, Lake road crossing.
- 42-B. Road at Esty Glen, Esty crossing.
43. Lake road at Esty Glen.
44. Bakers road, one-fourth mile south of Esty Glen.
45. Road one-half mile south of Esty Glen.

A public hearing in this matter, after notice as required by the statute, was held by this Board on the city of Albany on February 13, 1906. E. C. Aiken appeared for the applicant; no one else appeared. Mr. Aiken subsequently filed with this Board a stipulation as follows:

"IN THE MATTER OF THE APPLICATION OF THE NEW YORK, AUBURN & LANSING RAILROAD COMPANY FOR GRADE CROSSINGS IN THE COUNTY OF TOMPKINS.

"In the above entitled matter the petitioner, The New York, Auburn & Lansing Railroad Company, stipulates that electricity shall be used as the motive power entirely in moving its cars from Auburn to Ithaca, except during the period of construction.

"Dated Feby. 14, 1906.

"THE NEW YORK, AUBURN & LANSING RAILROAD CO.

"By M. W. MURDOCK, *Pres.*"

An inspection of and report as to these proposed crossings was made by the superintendent of the grade crossing bureau in this department.

After consideration of the evidence this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the single track railroad of The New York, Auburn and Lansing Railroad Company to cross otherwise than at grade the streets, avenues and highways hereinafter named:

Town of Lansing.

30. One mile north of North Lansing, Boyer crossing.
31. Road at North Lansing.
32. Road three and one-third miles north of Sage, Tarbell crossing.
33. Road 800 feet south of Beardsley Gulf, Kelley crossing.
34. Road two and one-fourth miles north of Sage, Miller crossing.
35. Road seven-eighths miles north of Sage, Steinburg crossing.
36. Road at Sage, Davis crossing.
37. Road one-fourth miles south of Sage, Teeter crossing.
38. Road one and one-eighth miles south of Sage, Conlin crossing.
39. Road two and one-half miles north of Esty Glen, Egan crossing.
40. Road two and one-half miles north of Esty Glen, Hagin crossing.
41. Road one and one-half miles north of Esty Glen, Sharpsteen crossing.
42. Lake road, one-half miles north of Esty Glen, Lake road crossing.
- 42-B. Road at Esty Glen, Esty crossing.
43. Lake road at Esty Glen.
44. Bakers road, one-fourth mile south of Esty Glen.
45. Road one-half mile south of Esty Glen.

See page 74, first volume 1905 report of this Board as to highway crossings by this railroad in Auburn and in Cayuga county. The railroad of this company is nearing completion. (Grade Crossing Cases No.'s 541 and 578.)

XX.

IN THE MATTER OF THE PETITION OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE COUNTRY ROAD OR FORGE ROAD HIGHWAY GRADE CROSSING OF THE LONG ISLAND RAILROAD IN SAID TOWN.

Determination. March 27, 1906.

This petition, by the town board of the town of Riverhead, Suffolk county, under section 62 of the Railroad Law, was filed with this Board on February 23, 1906. It alleges that public safety requires the closing and discontinuance

of the Country road or Forge road highway grade crossing of the Long Island Railroad in said town and the diversion of the travel therefrom, by the construction of a new piece of highway, to an overhead crossing of said railroad proposed to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by said Country road or Forge road highway. The petition states: "It has been expressly covenanted and agreed that the Long Island Railroad Company will build the bridge across said railroad tracks at its own expense and William H. Sweezy in whose interest the proposed change is sought will do the necessary grading at his own expense and this petition is for the sole purpose of obtaining from the Board of Railroad Commissioners permission to make a needed change and improvement at private expense." A public hearing on this petition, after notice as required by the statute, was held by this Board in the city of New York on March 27, 1906. George F. Stackpole appeared for the town board; D. B. Griffin appeared for the Long Island Railroad Company, not in opposition. After hearing arguments the hearing was closed.

It seems to the Board that public safety requires that this road should be closed and discontinued and a new piece of highway and an overhead crossing of said railroad at another point constructed as proposed in the petition. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by the Country road or Forge road highway in the town of Riverhead, Suffolk county, shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway and an overhead bridge crossing of said railroad said overhead bridge crossing to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by said Country road or Forge road highway and the new piece of highway to extend from the said existing grade crossing to the said new overhead crossing, which said new piece of highway and said new overhead bridge crossing this Board hereby determines, under section 62 of the Railroad Law, shall be constructed. This Board also hereby determines, following the statement in the petition above quoted that no part of the cost of the closing and discontinuance of said grade crossing or of the construction of said new piece of highway or of the construction of said new overhead bridge crossing shall be borne by the State or the town of Riverhead.

This work is nearing completion. (Grade Crossing Case No. 588.)

XXI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS TO NEW SWITCH TRACKS OF ITS RAILROAD IN WATERTOWN.

April 10, 1906.

This application, by The New York Central and Hudson River Railroad Company, was filed with this Board on April 10, 1906. A hearing in the matter was held on the same date in New York city at which C. C. Paulding appeared for the applicant. The application was for approval of a plan for new switch tracks crossing streets in Watertown. The Board approved the plan, although, these tracks being switch tracks, there is no provision of statute under which the Board passes upon them. This approval, however, was given inasmuch as the city had agreed to the construction of the tracks. (Grade Crossing Case No. 593.)

XXII.

IN THE MATTER OF THE PETITION OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO A HIGHWAY GRADE CROSSING OF THE RAILROAD OPERATED BY SAID COMPANY IN THE TOWN OF VESTAL, BROOME COUNTY.

Determination. April 24, 1906.

This petition, by The Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, was filed with this Board on February 10, 1906. It alleges that public safety requires that a grade crossing by a highway of the railroad operated by The Delaware, Lackawanna and Western Railroad Company in the town of Vestal, Broome county, which highway grade crossing is located just north of the Vestal station on said railroad, shall be changed from grade and that said highway shall be carried under said railroad at said point in an undercrossing, and asks this Board to so determine. Public hearings on this petition, after notice as required by the statute, were held by Commissioners Dunn and Baker of this Board at the village of Union, Broome county, on April 7 and 21, 1906. Curtiss, Arms & Keenan appeared for the petitioner; Harry C. Perkins appeared at the first hearing for the town of Vestal, in opposition, but at the second hearing there was filed a stipulation between the attorneys for the petitioner and Mr. Perkins for the town of Vestal, withdrawing the opposition of said town; A. D. Wales appeared for Jacob B. Crane, in opposition; G. Tracy Rogers and J. P. E. Clarke appeared for the Binghamton Railway Company, in favor of the petition; Thomas A. MacClary appeared for property owners. After hearing evidence and arguments the evidence was on April 21, closed, but the matter was held open.

It seems to this Board, from the evidence, that public safety requires that this crossing should be changed from grade to an undercrossing of the railroad. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the railroad operated by The Delaware, Lackawanna and Western Railroad Company by a highway in the town of Vestal, Broome county, which highway grade crossing is located just north of the Vestal station on said railroad, shall be changed from grade to an undercrossing and that said highway shall be carried under said railroad at said point in an undercrossing.

An appeal in this matter was taken by a property owner to the Appellate Division of the Supreme Court, which court annulled this determination; the opinion being printed after this title. Another petition under section 62 of the Railroad Law as to this crossing was made to this Board by the company, which petition is pending. (Grade Crossing Case No. 585.)

XXIII.

IN THE MATTER OF THE PETITION OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF WESTFIELD, CHAUTAUQUA COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE NORTH PORTAGE STREET GRADE CROSSING OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD IN SAID VILLAGE.

Determination. May 2, 1906.

This petition, by the president and trustees of the village of Westfield, Chautauqua county, under section 62 of the Railroad Law, was filed with this Board on October 24, 1905. It alleges that public safety requires an alteration in the manner in which a street known as North Portage street in said village crosses the railroad of the New York, Chicago and St. Louis Railroad Com-

pany, and asks this Board to determine that said street shall be changed from a grade crossing of said railroad as it is at present and be carried over the railroad by means of a bridge. Public hearings on this petition, after notice as required by the statute, were held by this Board in Buffalo on December 6, 1905, and January 3 and 4, 1906. H. L. Munson appeared for the petitioners; W. A. Cochrane, W. F. Groat, H. Meluish, D. K. Falvey, A. M. Tennant, James Taylor, and E. M. Cantwell appeared as citizens; Rogers, Locke & Babcock appeared for the New York, Chicago and St. Louis Railroad Company; William E. Hoyt appeared for the Lake Shore and Michigan Southern Railway Company which company's railway is crossed by North Portage street on an overhead bridge near by this proposed overcrossing. At the hearings on January 3 and 4, Jerome B. Fisher appeared for the Chautauqua Traction Company which company desires to construct its railroad on the overhead bridge when constructed. At the hearing on January 4 the evidence was closed but the matter was held open.

It appears that the Chautauqua Traction Company desires to construct its street surface railroad across any bridge to be constructed at this point. A civil engineer employed by this Board has made an estimate of the cost of a bridge twenty-six feet wide not to carry the street railroad, the total of which is \$18,388. He has also made an estimate of the cost of a bridge thirty-one and one-half feet wide, intended to carry a single track street railroad, the total of which is \$22,213.—the difference being \$3,825. The Chautauqua Traction Company has filed with this Board a stipulation that if a bridge is constructed with a width of thirty-one and one-half feet said company will pay this additional cost, namely \$3,825, or "the difference in the cost of the construction of a bridge or viaduct thirty-one and one half feet in width and the cost of the construction of a bridge or viaduct twenty-six feet in width."

It seems to this Board from the evidence that public safety requires that this crossing should be changed from grade to an overhead crossing of the railroad. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the New York, Chicago and St. Louis Railroad by the street known as North Portage street in the village of Westfield, Chautauqua county, shall be changed from grade and that said street shall be carried over said railroad by means of a bridge. This Board also hereby determines, under sections 62 and 65 of the Railroad Law, that the expense, to be borne by the state, the village of Westfield, and the New York, Chicago and St. Louis Railroad Company, of the construction of such bridge shall not exceed the expense of the construction of a bridge twenty-six feet in width; and that, if the bridge is constructed of a greater width than twenty-six feet, the additional expense including additional land and damages to property if any due to a width of the bridge greater than twenty-six feet shall be borne by the Chautauqua Traction Company, for whose use the greater width would be intended, as shown by the said stipulation of said company filed with this Board on May 2, 1906. The intention of this determination being that if the bridge is constructed of a width sufficient to carry the one track of the Chautauqua Traction Company, namely thirty-one and one-half feet, the difference of expense including additional land and damages to property if any between a width of bridge of twenty-six feet and a width of thirty-one and one-half feet, whether this difference of expense is \$3,825 or more or less, shall be borne by the Chautauqua Traction Company.

If this work is to be done by contract, plans, specifications and an estimate of the expense for the bridge must be submitted to this Board for approval before the letting of any contract, and if this Board approves plans, specifications and estimate for a bridge of a width greater than twenty-six feet, said approval of said plans, specifications and estimate will mean that the expense including additional land and damages to property if any of the additional width is to be borne under said stipulation by the Chautauqua Traction Company.

A plan and estimate for this work have been approved by this Board, the plan providing for a single track for the street railroad. (Grade Crossing Case No. 565.)

XXIV.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY (STREET SURFACE, ELECTRIC) AS TO ITS RAILROAD CROSSING THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD (STEAM), AND THE WEST SHORE RAILROAD (STEAM — LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) AT FOUR POINTS.

May 8, 1906.

See page 90, first volume 1905 report of this Board. These crossings have been so constructed. The electric railroad also crosses underneath the Elmira and Lake Ontario Railroad (steam — leased to and operated by the Northern Central Railway Company) in Union street in Newark, this undercrossing of the steam railroad having previously existed. (Case No. 3404.)

XXV.

IN THE MATTER OF THE APPLICATION OF THE CORTLAND COUNTY TRACTION COMPANY (STREET SURFACE, ELECTRIC), UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS RAILROAD CROSSING THE SYRACUSE, BINGHAMTON AND NEW YORK RAILROAD AT ELM STREET IN THE CITY OF CORTLAND.

December 23, 1906.

See page 178, first volume 1902 report of this Board. After much correspondence with the company the derailing switches were installed in the electric railroad and are in operation. At the time of writing this report the copper trough is not constructed on the trolley wire and this Board is in correspondence with the applicant company on this subject. (Case No. 2677.)

XXVI.

IN THE MATTER OF THE PETITION OF THE ERIE RAILROAD COMPANY AS TO THE BUFFALO, THOUSAND ISLANDS AND PORTLAND RAILROAD COMPANY BEARING A PORTION OF THE EXPENSE OF CHANGING THE NIAGARA STREET, NIAGARA FALLS, GRADE CROSSING OF THE ERIE RAILROAD TO AN UNDERCROSSING IN PURSUANCE OF A DETERMINATION OF THIS BOARD, UNDER SECTION 62 OF THE RAILROAD LAW, DATED AUGUST 24, 1905.

Determination. May 16, 1906.

This petition, by the Erie Railroad Company, was filed with this Board on March 17, 1906. It asks this Board to determine that the Buffalo, Thousand Islands and Portland Railroad Company shall bear a portion of the expense of changing the crossing at grade of the Erie Railroad by Niagara street in the city of Niagara Falls to an undercrossing of said Erie Railroad. The Buffalo, Thousand Islands and Portland Railroad is not constructed but has a right of way abutting on each side of Niagara street at this point. In the determination of this Board, dated August 24, 1905, under section 62 of the Railroad Law, it is stated that this grade crossing shall be changed "to an undercrossing of the Erie Railroad alone and irrespective of the right of way of the Buffalo, Thousand Islands and Portland Railroad Company, and this determination does not include the right of way of the Buffalo, Thousand Islands and Portland Railroad Company notwithstanding the reference to said right of way in the petition." In making said determination of August 24, 1905, this Board after due consideration so concluded.

A public hearing on this petition was given in the city of Buffalo on May 16, 1906, at which H. A. Taylor and Henry W. Sprague appeared for the Erie Railroad Company; Walter P. Cooke appeared for the Buffalo, Thousand Islands and Portland Railroad Company; F. J. Mackenna, city attorney, appeared for the city of Niagara Falls; Morris Cohn, Jr., appeared for The Electric City Railway Company; Augustus Thibeaudau appeared for Charles A. Terwilliger, a property owner. After hearing arguments the hearing was closed.

This Board sees no reason to change its determination of August 24, 1905, and, therefore, this petition is hereby denied.

This undercrossing is being constructed. See page 84, first volume Railroad Commissioners report, 1905. (Grade Crossing Case No. 501.)

XXVII.

IN THE MATTER OF THE APPLICATION OF THE CHAUTAUQUA TRACTION COMPANY (STREET SURFACE), UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS SINGLE TRACK RAILROAD CROSSING AT GRADE, TEMPORARILY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD (STEAM) ON NORTH PORTAGE STREET IN THE VILLAGE OF WESTFIELD.

Determination. May 17, 1906.

This application, by The Chautauqua Traction Company, under section 68 of the Railroad Law, was filed with this Board on May 2, 1906. It asks for a determination that its single track street surface electric railroad may temporarily cross at grade the New York, Chicago and St. Louis Railroad (Steam — main track) on North Portage street in the village of Westfield. A public hearing in this matter was held by this Board in the city of Buffalo on May 16, 1906. J. B. Fisher appeared for the applicant; L. L. Babcock appeared for the New York, Chicago and St. Louis Railroad Company, not in opposition to a temporary crossing at grade, and filed with this Board a stipulation by the New York, Chicago and St. Louis Railroad Company to this effect.

This Board on May 2, 1906, determined that this North Portage street grade crossing of the New York, Chicago and St. Louis Railroad shall be changed from grade and that said street shall be carried over said New York, Chicago and St. Louis Railroad by means of a bridge. In this determination it appears that The Chautauqua Traction Company is to pay a portion of the cost of changing this street from grade as stated in said determination of May 2, 1906. This application is that the street surface railroad company may temporarily cross the steam railroad at grade on North Portage street until said bridge is constructed.

Under circumstances stated, this Board feels justified in determining that a temporary crossing at grade may be established as asked for by the applicant. This Board, therefore, hereby determines, under section 68 of the Railroad Law, that the manner in which the single track street surface electric railroad of The Chautauqua Traction Company shall cross the single track of the New York, Chicago and St. Louis steam railroad in North Portage street in the village of Westfield shall be at the grade of said steam railroad temporarily, said temporary grade crossing by the said electric railroad of said steam railroad to exist only until the said street or highway grade crossing is changed to an overhead crossing of the steam railroad. This Board also hereby determines, under section 68 of the Railroad Law, that the said temporary grade crossing shall be protected by the construction and operation in the street railroad track of two derailing switches, one to be located on each side of the steam railroad and about seventy-five feet distant from the nearest rail of the steam railroad, the normal position of which derailing switches shall be open and which shall be operated by conductors of cars on the electric railroad by a lever located as near as practicable to the point of crossing. This

Board also hereby determines, under section 68 of the Railroad Law, that an inverted V shaped metal trough shall be constructed over the trolley wire of The Chautauqua Traction Company's railroad and connected therewith at said temporary grade crossing. This Board also hereby determines, under section 68 of the Railroad Law, that the entire expense of the construction and maintenance of the crossing frogs, derailing switches, lever and metal trough at said temporary grade crossing, shall be borne by The Chautauqua Traction Company.

If, because of work in the construction of the overcrossing at this point hereinabove referred to, it is found to be not practicable for this electric railroad to cross temporarily at grade this steam railroad in North Portage street, the intention of this determination is that said crossing may temporarily be made at grade at the nearest practicable point in or adjacent to North Portage street.

This temporary crossing at grade has been constructed. The work at the overhead crossing has not yet been commenced. See determination as to the overhead crossing under this title in this volume. (Case No. 3572.)

XXVIII.

IN THE MATTER OF THE DETERMINATION OF THIS BOARD, DATED OCTOBER 9, 1901, AND MODIFIED DETERMINATION, DATED SEPTEMBER 6, 1904, UNDER SECTION 62 OF THE RAILROAD LAW, IN RELATION TO A GRADE CROSSING OF THE LONG ISLAND RAILROAD BY A HIGHWAY KNOWN AS THE SHEEP PASTURE ROAD IN THE TOWN OF BROCKHAVEN, SUFFOLK COUNTY.

Determination. May 23, 1906.

On October 9, 1901, this Board determined on the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, that "the grade crossing of the Long Island railroad by a highway known as the Sheep Pasture road, in the town of Brockhaven, Suffolk county, situated at a point about eight thousand, nine hundred and sixty (8,960) feet easterly from the Setauket station of said railroad company, shall be closed and discontinued, the travel thereon to be diverted to existing highways and crossings in the vicinity, particularly to an existing undercrossing of said railroad by a highway known as the Dark Hollow road, by means of what may be an existing highway, called the Ravine road, in front of and south of the property of Frank Bayles or Mrs. Frank Bayles; and the Board also determines that if said Ravine road is not now a highway, it shall under this determination be opened as a highway from the Sheep Pasture road north of the Long Island railroad to the Dark Hollow road."

On September 6, 1904, this Board modified its determination of October 9, 1901, as follows:

"After consideration it seems to the Board that its determination in this matter should be modified. This Board, therefore, hereby modifies its determination of October 9, 1901, in the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to a grade crossing of its railroad by a highway known as the Sheep Pasture road in the town of Brockhaven, Suffolk county, by striking therefrom the words 'the travel thereon to be diverted to existing highways and crossings in the vicinity, particularly to an existing undercrossing of said railroad by a highway known as the Dark Hollow road, by means of what may be an existing highway, called the Ravine road, in front of and south of the property of Frank Bayles or Mrs. Frank Bayles; and the Board also determines that if said Ravine road is not now a highway, it shall under this determination be opened as a highway from the Sheep Pasture road north of the Long Island railroad to the Dark Hollow road' and inserting in place thereof the words 'the travel thereon to be diverted by the construction on the north side of

the railroad of a new piece of highway from the Sheep Pasture road highway to an existing undercrossing of said railroad by a highway known as the Dark Hollow road, which new piece of highway this Board hereby determines, under section 62 of the Railroad Law, shall be constructed, and be located substantially as shown on a blue print plan attached to the office original of this modified determination in this matter on file in this office.' This Board also hereby revokes its approval, dated July 2, 1902, of a blue print plan on file in this office showing a new piece of highway which approval is endorsed on said plan, and this Board also hereby withdraws its approval of an estimate of expense of one thousand six hundred and fifty dollars (\$1,650) under said plan. The complete determination of this Board, under section 62 of the Railroad Law, in this matter, therefore, being that the grade crossing of the Long Island Railroad by a highway known as the Sheep Pasture road in the town of Brookhaven, Suffolk county, situated at a point about eight thousand nine hundred and sixty (8,960) feet easterly from the Setauket station of said railroad company, shall be closed and discontinued the travel thereon to be diverted by the construction on the north side of the railroad of a new piece of highway from the Sheep Pasture road highway to an existing undercrossing of said railroad by a highway known as the Dark Hollow road which new piece of highway this Board hereby determines under section 62 of the Railroad Law shall be constructed and shall be located substantially as shown on a blue print plan attached to the office original of this modified determination in this matter on file in this office."

On May 2, 1906, there was filed with this Board a letter from the chief engineer of the Long Island Railroad Company to the effect that steps have not been taken to carry out the modified determination of September 6, 1904, and that the town board desired that an overhead bridge be constructed. Whereupon this Board set a hearing on the question of whether it would reconsider its determination of October 9, 1901, and its modified determination of September 6, 1904, which hearing was held by the Board in New York city on Wednesday, May 23, 1906, after notice to those interested. At this hearing George N. Furman appeared for the town board and highway commissioners; J. F. Keany appeared for the company; George E. Darling appeared for Mrs. Grace Bayles, in favor of an overcrossing being constructed. At this hearing a plan was submitted to the Board calling for the closing and discontinuance of the Sheep Pasture road grade crossing of said railroad and the construction of new pieces of highway and an overhead bridge crossing of said railroad at another point. This plan was not opposed.

Inasmuch as the adoption of this plan will probably result in the abolition of this grade crossing in the near future, the Board has determined to again modify its determination in this matter. This Board, therefore, under section 62 of the Railroad Law, hereby modifies its said determination of October 9, 1901, and its said modified determination of September 6, 1904, in this matter so that this Sheep Pasture road grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, shall not be closed and discontinued and a new piece of highway constructed, but in place thereof this Board hereby determines that the grade crossing of the Long Island Railroad by a highway known as the Sheep Pasture road in the town of Brookhaven, Suffolk county, situated at a point about eight thousand nine hundred and sixty (8,960) feet easterly from the Setauket station of said railroad company shall be closed and discontinued the travel thereon to be diverted therefrom by the construction of new pieces of highway to an overhead bridge crossing of said railroad to be constructed at a point shown on a blue print plan filed with this Board on May 23, 1906, which said blue print plan is attached to the office original of this modified determination in this matter on file in this office, which said new pieces of highway and which said overhead bridge this Board hereby determines, under section 62 of the railroad law, shall be constructed.

The estimated cost of this work as shown on said blue-print plan attached to the office original modified determination in this matter is fifty-eight hundred dollars (\$5,800) which includes the acquisition of land for the new pieces of highway. This Board believes, however, that this work should cost

less than fifty-eight hundred dollars (\$5,800) because, while it is necessary that the bridge be substantial enough to carry the traffic on the highway, from statements of the company, it is likely that other changes in its railroad in this vicinity will be made in the future which may render this bridge unnecessary, and the company stated at the hearing that this estimate of fifty-eight hundred dollars (\$5,800) could be reduced. If this work is to be done by contract, plans, specifications and estimate of expense must be submitted to this Board for approval, and it is expected that these plans, specifications and estimate of expense will show a less estimate than fifty-eight hundred dollars (\$5,800).

This work is under construction. See page 96, first volume, Railroad Commissioners report, 1901; page 144, first volume, Railroad Commissioners report, 1904. (Grade Crossing Case No. 223.)

XXIX.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO A GRADE CROSSING OF ITS RAILROAD BY A HIGHWAY KNOWN AS JOHN HULSE ROAD IN THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY.

Determination. May 23, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on October 26, 1905. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as John Hulse road in the town of Brookhaven, Suffolk county, situated at a point about nine thousand nine hundred feet (9,900) easterly from Holtville (Waverly) and two thousand two hundred and fifty feet (2,250) westerly from the Medford station on said company's railroad, and asks this Board to determine that said grade crossing shall be closed and discontinued the travel thereon to be diverted therefrom through existing highways to a proposed undercrossing of said railroad proposed to be constructed in a proposed extension of Medford avenue or Port Jefferson road in which said Medford avenue or Port Jefferson road there now exists a bicycle path, which undercrossing will be about nine thousand feet (9,000) easterly from Holtville (Waverly) and about three thousand four hundred and fifty feet (3,450) westerly from the Medford station on said company's railroad and about twenty-five feet (25) westerly from the said bicycle path; the petition also asking this Board to determine that the said extension of Medford avenue or Port Jefferson road (bicycle path) shall be constructed and carried under said railroad in an undercrossing. Public hearings on this petition, after notice as required by the statute, were held at the Medford station of the Long Island Railroad Company on November 20, 1905, and at the New York office of this Board on May 23, 1906. At the hearing on November 20, J. F. Keany appeared for the petitioner; James M. Ashton and E. L. Robinson, highway commissioners, appeared for the town, not in opposition if the undercrossing is thirty feet (30) wide and with a clear headroom of thirteen feet (13). At the hearing on May 23, Mr. Keany appeared for the petitioner; George H. Furman appeared for the town. After hearing evidence and arguments on May 23 the hearing was closed.

It seems to this Board from the evidence that public safety requires that the prayer of the petition should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as John Hulse road in the town of Brookhaven, Suffolk county, situated at a point about nine thousand nine hundred feet (9,900) easterly from Holtville (Waverly) and two thousand five hundred and fifty feet (2,550) westerly from the Medford sta-

tion on the Long Island Railroad, shall be closed and discontinued, the travel thereon to be diverted therefrom through existing highways to an undercrossing of said railroad to be constructed in an extension of Medford avenue or Port Jefferson road from Peconic avenue to Robinson avenue; which said undercrossing this Board hereby determines, under section 62 of the Railroad Law, shall be constructed; and which said extension of Medford avenue or Port Jefferson road this Board hereby determines, under section 62 of the Railroad Law, shall be constructed from Peconic avenue to Robinson avenue; and this Board hereby determines, under section 62 of the Railroad Law, that said undercrossing shall be located at a point about nine thousand feet (9,000) easterly from Holtville (Waverly) and about three thousand four hundred and fifty feet (3,450) westerly from the Medford station on said company's railroad and about twenty-five feet (25) westerly from an existing bicycle path; and this Board hereby determines, under section 62 of the Railroad Law, that said undercrossing shall be thirty feet (30) wide between abutments and have a clear headroom of thirteen feet (13).

This work is under way. (Grade Crossing Case No. 568.)

XXX.

IN THE MATTER OF THE COMPLAINT OF BIRD S. COLER, PRESIDENT BOROUGH OF BROOKLYN, AGAINST THE LONG ISLAND RAILROAD COMPANY AND THE BROOKLYN HEIGHTS RAILROAD COMPANY AS TO HEGEMAN AVENUE.

June 4, 1906.

This complaint, by Bird S. Coler, President of the Borough of Brooklyn, against the Long Island Railroad Company and the Brooklyn Heights Railroad Company (Brooklyn and Rockaway Beach Railroad) was filed with this Board on May 4, 1906. It was in relation to Hegeman avenue, Brooklyn, crossing said railroad; no crossing existing. The attention of complainant was called to the provisions of section 61 of the Railroad Law and the company was communicated with and a copy of its answer sent to complainant. Reports in the matter were also made by the superintendent of the grade crossing bureau in this department. The provisions of section 61 of the Railroad Law controlling this matter and no application under said section having been received here, the case was closed. (Grade Crossing Case No. 594.)

XXXI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY UNDER SECTION 62 OF THE RAILROAD LAW AS TO THE CLOSING AND DISCONTINUANCE OF THE GRADE CROSSING OF SAID COMPANY'S RAILROAD BY A HIGHWAY KNOWN AS PLAINVIEW ROAD OR JERUSALEM AVENUE IN THE TOWN OF OYSTER BAY, NASSAU COUNTY.

June 4, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on June 8, 1900, and amended and again filed with this Board on October 20, 1900. It alleged that public safety required the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Plainview Road or Jerusalem avenue, in the town of Oyster Bay, Nassau county, situated at a point about 600 feet westerly from the Central Park station of said company's railroad, and asked this Board to determine that said grade crossing should be closed and discontinued, the travel thereon to be diverted therefrom by existing high-

ways on each side of said railroad to an existing grade crossing of said railroad by a highway known as Park avenue, situated next east of the Plainview road or Jerusalem avenue grade crossing. After public hearings in the matter the company withdrew the petition and the case was closed. (Grade Crossing Case No. 261.)

XXXII.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN HEIGHTS RAILROAD COMPANY UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS RAILROAD CROSSING THE BAY RIDGE BRANCH OF THE LONG ISLAND RAILROAD ON SIXTEENTH AVENUE AT FIFTY-NINTH STREET IN THE BOROUGH OF BROOKLYN, CITY OF NEW YORK.

June 11, 1906.

At page 113, first volume 1902 report of this Board, will be found the determination in this matter, which was that the crossing in question should be made at grade. Under date of June 7, 1906, the inspector of grade crossings in this department reported that this crossing had not been made and that the Long Island Railroad was being depressed in this neighborhood so that if the crossing was ever made the Brooklyn Heights Railroad would cross above the grade of the Long Island Railroad. (Case No. 2264.)

XXXIII.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE OLEAN STREET RAILWAY COMPANY, AS TO ITS SINGLE TRACK RAILWAY CROSSING THE ERIE RAILROAD (STEAM) AT A POINT IN MAIN STREET, SALAMANCA, WHERE MAIN STREET CROSSES SAID ERIE RAILROAD IN AN UNDERCROSSING.

Determination. June 13, 1906.

This application, under section 68 of the Railroad Law, by The Olean Street Railway Company, was filed with this Board on February 27, 1906. It asks this Board to determine that its single track railway (to be operated by the overhead electrical trolley system of motive power) shall cross the Erie Railroad (steam) in Main street in the village of Salamanca below the grade of the Erie railroad in an existing undercrossing by Main street of the Erie railroad. A public hearing on this application, after notice, was held by this Board in the city of Buffalo on June 13, 1906. W. L. Marcy appeared for the applicant company. No one else appeared. After hearing arguments the hearing was closed.

This Main street undercrossing of the Erie railroad was constructed in pursuance of a determination of this Board under section 62 of the Railroad Law dated April 11, 1901. The petition alleges that the village of Salamanca has consented to the lowering of the surface of Main street in this undercrossing and on its approaches, which lowering is to be one foot, and the highway will be graded so that surface water will flow toward the track. A copy of an agreement dated the tenth day of October, 1905, between this applicant company and the Erie Railroad Company as to this undercrossing is attached to the petition in this matter, from which it appears that a foot bridge adjoining the Erie railroad tracks is to be raised nine-tenths of a foot. A plan showing the changes proposed at this undercrossing for this applicant company's railroad, which plan bears the approval of the president of the village of Salamanca, is Applicant's Exhibit No. 1 in this application.

After consideration this Board believes that it is justified in granting this application. This Board, therefore, hereby determines, under section 68 of the Railroad Law, that the single track railway of The Olean Street Railway Company shall cross the Erie railroad in Main street, Salamanca, below the

grade of said Erie railroad in the existing undercrossing, on condition, that, in the changes that are to be made in the undercrossing, the concrete to be banked against the curb wall shall be thoroughly doweled to the old masonry, and on condition that the six inches of concrete to be laid under the ties of the track of this applicant company's railway in this undercrossing shall be reinforced with metal rods; also on condition that the conditions in said agreement between the Erie Railroad Company and this applicant company as to the structure or structures of this undercrossing shall be complied with by this applicant company.

This Board also hereby determines, under section 68 of the Railroad Law, that the entire expense in connection with this undercrossing by this applicant company's railway of the Erie railroad shall be borne by this applicant company.

The street railway now uses this undercrossing. (Case No. 3521.)

XXXIV.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE NEW YORK AND LONG ISLAND TRACTION COMPANY (STREET SURFACE, ELECTRIC) AS TO CROSSING THE LONG ISLAND RAILROAD (ROCKAWAY BRANCH — STEAM) AT THE INTERSECTION OF OCEAN AVENUE AND ROCKAWAY PLANK ROAD IN THE BOROUGH OF QUEENS, NEW YORK CITY, AND AS TO CROSSING THE RIGHT OF WAY OF THE JAMAICA AND SOUTH SHORE RAILWAY COMPANY, IN THE BOROUGH OF QUEENS, NEW YORK CITY.

June 18, 1906.

At page 155, first volume 1904 report of this Board, will be found the determination in this matter; the crossings to be at grade. The crossings have been constructed and are protected as set forth in the determination. A writ of certiorari to review the determination was obtained by the Long Island Railroad Company, but proceedings under said writ were subsequently withdrawn. (Case No. 3087.)

XXXV.

IN THE MATTER OF THE PETITION OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF HOMER, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF A GRADE CROSSING OF THE SYRACUSE, BINGHAMTON AND NEW YORK RAILROAD BY HOOKER AVENUE IN SAID VILLAGE AND THE CONSTRUCTION OF NEW PIECES OF HIGHWAY AND AN OVERHEAD BRIDGE CROSSING OF SAID RAILROAD TO BE LOCATED AT ANOTHER POINT AND APPROACHES THERE TO.

Determination. June 19, 1906.

This petition, by the president and trustees of the village of Homer, under section 62 of the Railroad Law, was filed with this Board on June 8, 1905. It alleges that public safety requires an alteration in the manner in which a highway in said village known as Hooker avenue crosses the Syracuse, Binghamton and New York Railroad and asks this Board to determine that said crossing which is now at grade shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway and approaches to an overhead bridge crossing of said railroad, which new pieces of highway and approaches and overhead bridge the petition asks this Board to determine shall be constructed, the bridge to be located about 125 feet south of the existing grade crossing. A public hearing on this

petition, after notice as required by the statute, was held by this Board in Auburn, on June 28, 1905. Dickinson & Duffey appeared for the petitioners and for the Syracuse, Binghamton and New York Railroad Company in favor of the petition; F. R. Thomas, president of the village, and William H. Foster and John B. Latimer, trustees of the village, also appeared. This hearing was adjourned to Albany, July 6, 1905, at which time Dickinson & Duffey appeared for the petitioners and for the Syracuse, Binghamton and New York Railroad Company in favor of the petition; no one else appeared. The matter was held open on July 6 so that Mr. Duffey might file with this Board written approval of the president of the village of Homer of plans for this work submitted to the Board on July 6. This approval was not filed with the Board prior to June 14, 1906, on which date C. O. Newton (now president of the village) and Mr. Duffey appeared before this Board in Buffalo. Mr. Duffey filed with the Board two blue print plans, one showing the new pieces of highway and approaches proposed and the other showing a cross section of the proposed bridge and floor plan of the proposed bridge.

It appears that the Cortland and Homer Traction Company (a street surface railroad) proposes to construct its railroad on this overcrossing.

It seems to this Board that public safety requires that this Hooker avenue grade crossing of said railroad should be closed and discontinued, and new pieces of highway and approaches and said overhead bridge crossing of said railroad constructed.

This board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Syracuse, Binghamton and New York Railroad by a highway known as Hooker avenue in the village of Homer shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway and approaches to an overhead bridge crossing of said railroad to be located about 125 feet south of said existing grade crossing, which said new pieces of highway and approaches and said overhead bridge crossing of said railroad this Board hereby determines, under section 62 of the Railroad Law, shall be constructed. This Board also hereby determines, under section 62 of the Railroad Law, that said new pieces of highway and approaches to said overhead bridge crossing shall be located substantially as shown on a blue print plan bearing the approval of the village of Homer, which approval is dated June 14, 1906; and this Board also hereby determines, under section 62 of the Railroad Law, that said bridge shall be as shown by a blue print plan bearing the approval of the village of Homer, which approval is dated June 14, 1906, and which plan shows a cross section of the proposed bridge and floor plan of the proposed bridge, which said two blue print plans are attached to the office original determination in this matter on file in this office. This Board also hereby determines, under section 62 of the Railroad Law, that the said Hooker avenue grade crossing of said railroad shall not be closed and discontinued until said new pieces of highway and approaches and overhead bridge crossing of said railroad are constructed and ready for use by the public.

This work is completed but the settlement of cost has not yet been made. (Grade Crossing Case No. 543.)

XXXVI.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE NEW YORK CITY INTER-BOROUGH RAILWAY COMPANY AS TO ITS DOUBLE TRACK STREET SURFACE RAILWAY CROSSING THE NEW YORK AND HABLEM RAILROAD (STEAM: LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY). IN ONE HUNDRED AND EIGHTIETH STREET, BOROUGH OF THE BRONX, NEW YORK CITY.

Determination. June 20, 1906.

This application, under section 68 of the Railroad Law, by the New York City Inter-Borough Railway Company, was filed with this Board on August

9, 1905. It asks this Board to determine that its double track street surface railway (to be operated by electricity) shall cross the New York and Harlem railroad (steam; leased to and operated by the New York Central and Hudson River Railroad Company) in One Hundred and Eightieth street, borough of the Bronx, New York city, above the grade of the steam railroad on an existing bridge which carries One Hundred and Eightieth street across said steam railroad. Public hearings on this application, after notice, were held by this Board in the city of New York on August 16 and 29, and September 22, 1905, February 20 and June 20, 1906, and in Albany on September 5, 1905. Strong & Cadwalader appeared for the applicant; C. C. Paulding, A. B. Quencer and George H. Walker appeared for the New York Central and Hudson River Railroad Company. The reason for these numerous hearings was that in the meantime the companies were seeking to agree as to this crossing. At the hearing on June 20, 1906, a statement of an agreement between the companies, which is contained in a letter to this Board dated June 5, 1906, was submitted to the Board, which statement is to the effect that the New York Central and Hudson River Railroad Company, "has given consent to the crossing upon condition that the Inter-Borough Company shall pay the entire cost of any and all necessary revisions, changes, modifications or repairs to the existing bridge in order to adopt the existing bridge structure to properly support the railroad structures and equipments of the Inter-Borough Company. Also, the Inter-borough Company is to pay 29 per cent. of the expenses occasioned by the renewal and maintenance of the supporting structure of the existing bridge or any bridge which may hereafter be constructed of equal area with the existing bridge, and also is to pay the expense incurred in keeping the flooring or paving of said bridge now existing or hereafter constructed in proper repair and renewal, within the space included between the lines drawn parallel with the outermost rails of the Inter-Borough Company's tracks and respectively distant two feet exteriorly therefrom."

This Board hereby determines, under section 68 of the Railroad Law, that the double track railway (street railway) of the New York City Inter-Borough Railway Company shall cross the New York and Harlem railroad (steam; leased to and operated by the New York Central and Hudson River Railroad Company) in One Hundred and Eightieth street, borough of the Bronx, New York city, above the grade of said steam railroad on an existing bridge which carries One Hundred and Eightieth street across said steam railroad. This Board also hereby determines, under section 68 of the Railroad Law, that the proportion of expense of such crossing to be borne by each railroad company, to wit: the New York City Inter-Borough Railway Company and the New York Central and Hudson River Railroad Company, shall be as set forth in an agreement between said companies a statement of which is quoted above.

The street surface railroad is not yet crossing on this bridge. (Case No. 3399.)

XXXVII.

IN THE MATTER OF A PETITION FROM THE MUNICIPAL OWNERSHIP LEAGUE,
TWENTIETH ASSEMBLY DISTRICT, BOROUGH OF QUEENS, AS TO STARR STREET.

July 2, 1906.

This petition, by the Municipal Ownership League, Twentieth Assembly District, county of Queens, was filed with this Board on June 6, 1906. It is in reference to Starr street, Brooklyn, being carried across the Long Island railroad between Irving and Wyckoff avenues. The petitioners were informed that a proceeding as to this crossing must be taken under section 61 of the Railroad Law and the case was closed. See other matters to this Starr street under this title in this volume. (Case No. 596.)

XXXVIII.

IN THE MATTER OF THE APPLICATION OF MATTHEW G. BAILEY, JAMES TONKING AND NATHAN H. HART AS TO A RAILROAD TRACK TO CONNECT QUARRIES WITH THE POCHUCK RAILROAD CROSSING HIGHWAYS IN THE TOWN OF WARWICK, ORANGE COUNTY.

Determination. July 17, 1906.

This application, by Matthew G. Bailey, James Tonking and Nathan H. Hart, was filed with this Board on July 17, 1906. The applicants ask the Board to determine the manner in which a single track railroad to be constructed by them from quarries in the town of Warwick, Orange county, to a connection with the Pochuck railroad in said town and county, a distance of about 2.6 miles, shall cross three highways in said town, namely:

1. The highway leading to Amity, near the quarries.
2. The highway leading to Amity and to Newport, about midway between the quarries and the Pochuck railroad.
3. The highway leading to Pine Island and to Newport, near the Pochuck railroad.

A hearing on this application was given in the city of New York on July 17. Joseph W. and Percy V. D. Gott appeared for the applicants. After hearing evidence and arguments the hearing was closed. The application alleges that it is necessary that the highways in question be crossed at grade.

After consideration of the papers and evidence in this case, the Board believes that it is justified in determining that these crossings be made at grade. Therefore, this Board hereby determines that the single track railroad proposed to be built by said applicants from quarries to a connection with the Pochuck railroad in the town of Warwick, Orange county, shall cross at grade the following highways:

1. The highway leading to Amity, near the quarries.
2. The highway leading to Amity and to Newport, about midway between the quarries and the Pochuck railroad.
3. The highway leading to Pine Island and to Newport, near the Pochuck railroad. (Grade Crossing Case No. 616.)

XXXIX.

IN THE MATTER OF THE COMPLAINT OF CALER BENTLEY OF BERLIN AGAINST THE RUTLAND RAILROAD COMPANY AS TO FARM CROSSING.

August 1, 1906.

This complaint, by Caleb Bentley of Berlin, against the Rutland Railroad Company, was filed with this Board on October 14, 1905. It alleged that a farm crossing of the Rutland railroad adjoining his farm about one-half mile south of the Berlin station had been closed; an overhead bridge crossing of the railroad having been constructed nearby. After correspondence with the company the matter was closed. The overhead bridge crossing which has been constructed was constructed on the recommendation of the Board in the complaint of W. D. Greene and others, and the closing of the farm crossing was the result of the construction of the overhead bridge crossing. See first volume 1902 report of this Board, page 180. (Case No. 3436.)

XL.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY (STEAM), UNDER SECTION 36 OF THE RAILROAD LAW, FOR APPROVAL OF AN INTERLOCKING SWITCH AND SIGNAL APPARATUS PROPOSED TO BE INSTALLED AT A GRADE CROSSING OF SAID COMPANY'S RAILROAD AND THE LEHIGH VALLEY RAILROAD (STEAM) AT FISH CREEK, ONEIDA COUNTY.

Determination. August 1, 1906.

This application, under section 36 of the Railroad Law, by the New York, Ontario and Western Railway Company (steam), was filed with this Board on July 6, 1906. The applicant asks the Board to approve an interlocking switch and signal apparatus to be installed at a point where the applicant's railroad and the Lehigh Valley railroad cross at grade at Fish Creek, Oneida county. A blueprint plan of the apparatus proposed was submitted with the application. A report, dated July 18, 1906, as to this plan was made by a civil engineer employed by this Board. No hearing in the matter was given as the plan bears the approval of both of the railroad companies named and of the State Engineer, State Superintendent of Public Works and State Canal Board, the work on the barge canal being involved.

This Board believes that it is justified in approving the proposed apparatus and consenting that the full stop and crossing on signal at this crossing may be discontinued.

This Board, therefore, hereby approves, under section 36 of the Railroad Law, the interlocking switch and signal apparatus proposed to be installed at a point where the New York, Ontario and Western railway and the Lehigh Valley railroad cross at grade at Fish Creek, Oneida county, a blueprint plan of which apparatus is attached to the office original of this approval on file in this office, and this Board hereby consents that the full stop and crossing on signal of trains and locomotives, referred to in section 36 of the Railroad Law, may be discontinued at this crossing or said railroads after said apparatus is installed and put in operation at this crossing of said railroads.

This interlocking plant has not yet been constructed. (Case No. 3632.)

XLI.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE OLEAN STREET RAILWAY COMPANY AS TO ITS SINGLE TRACK STREET RAILWAY CROSSING THE BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY IN THE TOWN OF GREAT VALLEY, CATTARAUGUS COUNTY, AND IN THE VILLAGE OF SALAMANCA.

Determination. August 1, 1906.

This application, under section 68 of the Railroad Law, by the Olean Street Railway Company, was filed with this Board on February 27, 1906. The applicant asks this Board to determine that its single track railway (to be operated by the overhead electrical system of motive power) shall cross beneath grade the Buffalo, Rochester and Pittsburgh Railway (steam) in the town of Great Valley, Cattaraugus county, at a point near the westerly boundary of said town where the steam railway crosses the State road highway on an overhead crossing; and it asks this Board to determine the manner in which its single track railway shall cross a switch of said steam railway in the village of Salamanca at a point in the State road highway near the easterly boundary of said village, the said proposed crossing of said switch being proposed to be at the grade of the switch.

A public hearing on this application, after notice, was held by this Board in the city of Buffalo on May 16, 1906. William M. Wheeler appeared for the applicant company, Charles W. Terry appeared for the village of Salamanca, John S. Rockwell appeared for the Buffalo, Rochester and Pittsburgh Railway Company. After hearing arguments the hearing was closed.

The undercrossing in question (which is also known as the Wildwood avenue undercrossing) was constructed in pursuance of a determination of this Board under section 62 of the Railroad Law, dated April 10, 1902. A blueprint plan of the proposed undercrossing bearing notes signed by Charles W. Terry and John S. Kockwell and approved by the commissioner of highways of the town is on file with this Board. Copies of agreements between these companies as to these crossings are attached to the petition in this matter, one being marked "Exhibit 'C.'" from which it appears that the steam railway has consented that the crossing of the switch may be made at grade.

After consideration this Board hereby determines, under section 68 of the Railroad Law, that the single track railway of the Olean Street Railway Company shall cross the Buffalo, Rochester and Pittsburgh Railway (steam) in the State road (or Wildwood avenue) highway in the town of Great Valley, Cattaraugus county, at a point near the westerly boundary of said town below the grade of said steam railway in the existing undercrossing; this Board also hereby determines, under section 68 of the Railroad Law, the single track railway of the Olean Street Railway Company shall cross a switch of the Buffalo, Rochester and Pittsburgh Railway Company in the village of Salamanca at a point in the State road highway near the easterly boundary of said village at the grade of said switch; on condition that the conditions as to safety in the said agreements between these companies which are attached to the petition in this matter and which are marked respectively "Exhibit 'A'" and "Exhibit 'C'" shall be complied with by the Olean Street Railway Company.

This Board also hereby determines, under section 68 of the Railroad law, that the entire expense of such crossings shall be paid by the Olean Street Railway Company.

These crossings have been constructed. (Case No. 3522.)

XLII.

IN THE MATTER OF THE PETITION OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE ROCKEFELLER ROAD HIGHWAY GRADE CROSSING OF THE RAILROAD OPERATED BY THE DELAWARE AND HUDSON COMPANY IN SAID TOWN, NEAR NORMANSVILLE, TO AN UNDERCROSSING.

Determination. August 1, 1906.

This petition, by the town board of the town of Bethlehem, Albany county, under section 62 of the Railroad Law, was filed with this Board on September 12, 1904. It alleges that public safety requires an alteration in the manner in which a highway known as the Rockefeller road crosses the railroad operated by The Delaware and Hudson Company in said town, near Normansville, and asks this Board to determine that said crossing, which is now at grade, shall be changed to an overhead bridge crossing of the railroad.

A public hearing on this petition, after notice as required by the statute, was held by this Board in Albany on November 9, 1905. E. J. Bedell and other members of the town board appeared for the town, L. E. Carr appeared for The Delaware and Hudson Company in favor of the petition. At this hearing it was suggested by the company that the existing crossing be closed and discontinued and new pieces of highway and an overhead bridge be constructed, the bridge to cross the railroad at a deep cut immediately west of the existing grade crossing. After hearing evidence and arguments the evidence was closed but the matter was held open pending a conference between the town board and the company as to the plan proposed. There was delay in arriving at an agreement between the town and the company, but on July 23, 1906, there was submitted to this Board a tracing cloth

general and detail plan for this work, which plan bears the approval of the town board and the company, and follows the suggestion of the company at the hearing.

It seems to this Board from the evidence that public safety requires that this crossing should be closed and discontinued, and the new pieces of highway and overhead bridge crossing of said railroad be constructed. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the railroad operated by The Delaware and Hudson Company by a highway known as the Rockefeller road in the town of Bethlehem, Albany county, near Normansville, shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway and an overhead bridge crossing of said railroad, which new pieces of highway and overhead bridge this Board hereby determines shall be constructed (the bridge to be located at the cut immediately west of the present grade crossing and the new pieces of highway to be approaches thereto), substantially as shown on a general and detail plan which bears the approval of the town board and the company and a print of which is attached to the office original determination in this matter on file in this office.

This Board, under section 65 of the Railroad Law, hereby approves said plan and an estimate for this work made by the company, amounting to \$7,497.60, a copy of which estimate is on file with this Board.

This Board, under section 62 of the Railroad Law, also hereby determines that the said grade crossing of said railroad shall not be closed and discontinued until the said new pieces of highway and said overhead bridge crossing of said railroad are constructed and ready for use by the public.

Plans, specifications and estimate of expense for this work have been approved. (Grade Crossing Case No. 505.)

XLIII.

IN THE MATTER OF THE APPLICATION OF THE GENESEE VALLEY CANAL RAILROAD COMPANY (WHOSE RAILROAD IS OPERATED BY THE PENNSYLVANIA RAILROAD COMPANY), UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE TRACK BRANCH OR EXTENSION RAILROAD SHALL CROSS TWO HIGHWAYS IN THE TOWN OF WHEATLAND, MONROE COUNTY.

Determination. August 1, 1906.

This application, by the Genesee Valley Canal Railroad Company (whose railroad is operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, was filed with this Board on June 14, 1906. The applicant asks the Board to determine the manner in which a single track branch or extension of its railroad proposed to be constructed shall cross two highways in the town of Wheatland, Monroe county, to wit:

1. The highway leading from the village of Scottsville southerly and passing through lot 56, the proposed point of crossing being about midway between Scottsville and Garbutt.

2. The highway running north and south and passing through the village or settlement of Garbutt, the proposed point of crossing being at a point in the village of Garbutt.

A public hearing in this matter, after notice, as required by the statute, was held by this Board in the city of Buffalo on July 24, 1906. Frank Rumsey appeared for the applicant; Walter Cox, highway commissioner of the town of Wheatland, appeared in favor of crossings at grade; David C. Salyer appeared for the Rochester, Scottsville and Caledonia Electric Railroad Company, in opposition to the application. After hearing evidence and arguments the evidence was closed but the matter was held open. An in-

spection of and report as to these proposed crossings was made by the inspector of grade crossings in this department.

After consideration of the evidence this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the said single track branch or extension of the Genesee Valley Canal Railroad to cross otherwise than at grade the said two highways in the town of Wheatland, Monroe county, to wit:

1. The highway leading from the village of Scottsville southerly and passing through lot 56, the point of crossing to be about midway between Scottsville and Garbutt.

2. The highway running north and south and passing through the village or settlement of Garbutt, the point of crossing to be at a point in the village of Garbutt.

These crossing have not yet been constructed. (Grade Crossing Case No. 599.)

XLIV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE NECK ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD NEAR BAY SHORE, LONG ISLAND.

August 1, 1906.

This petition was filed with this Board on November 16, 1899, and withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 155.)

XLV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CALAMUS ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF NEWTOWN, QUEENS COUNTY, EAST OF ITS WINFIELD STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 211.)

XLVI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE NISSEQUOGUE ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF GLENDALE JUNCTION, NEW YORK CITY.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and withdrawn by the petitioner in a letter date June 12, 1906. (Grade Crossing Case No. 222.)

XLVII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE NISSEQUOGUE ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS SMITHTOWN STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and in its amended form was filed with the Board on October 20, 1900. A hearing was held, but the petition was subsequently withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 229.)

XLVIII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE HUBBARD ROAD OR SOUTH HAVEN ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS YAPHANK STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 230.)

XLIX.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE HORSELOCK ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS MEDFORD STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and in its amended form was filed on October 20, 1900. A public hearing in the matter was held, but the petition was subsequently withdrawn by the petitioner in a letter dated June 12, 1906. A determination on a new petition from the company as to the crossing will be found under this title in this volume. (Grade Crossing Case No. 234.)

L.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE BROADWAY OR PATCHOGUE AND LAKE ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS RONKONKOMA STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900. Public hearings in the matter were held, but the petition was subsequently withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 235.)

LI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CORBIN AVENUE HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS DEER PARK STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 237.)

LII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CARLES PATH HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS DEER PARK STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and in its amended form was filed on October 20, 1900, but was withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 238.)

LIII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE WASHINGTON AVENUE HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS FRESH POND JUNCTION STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and withdrawn by the petitioner in a letter date June 12, 1906. (Grade Crossing Case No. 243.)

LIV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE BERGER AVENUE HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS FRESH POND JUNCTION STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and withdrawn by the petitioner in a letter date June 12, 1906. (Grade Crossing Case No. 244.)

LV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE LITCHFIELD AVENUE OR BLYTHEBOURNE AVENUE HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS LINDENHURST STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and in its amended form was filed on October 20, 1900, and was withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 248.)

LVI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE FISH OR THICKET ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS WAVERLY STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and in its amended form was filed on October 20, 1900. A public hearing in the matter was held, but the petition was withdrawn by the petitioner in a letter dated June 12, 1906. A determination on a new petition from the company as to this crossing will be found under this title in this volume. (Grade Crossing Case No. 258.)

LVII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE ROCKAWAY ROAD AND DIVISION STREET HIGHWAY GRADE CROSSINGS OF ITS RAILROAD IN JAMAICA, NEW YORK CITY.

August 1, 1906.

These petitions were filed with this Board on August 4, 1902. Public hearings in the matter were held, but the petitions were subsequently withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Cases Nos. 391 and 392.)

LVIII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE DELAMATEES ROAD OR CHESTNUT AVENUE HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS CENTRAL ISLIP STATION.

August 1, 1906.

This petition was filed with this Board on June 8, 1900, and in its amended form was filed on October 20, 1900. Public hearings in the matter were held, but the petition was subsequently withdrawn by the petitioner in a letter dated June 12, 1906. Subsequently another petition as to this crossing was filed with this Board by the company, but was also withdrawn as stated hereinafter under this title. (Grade Crossing Case No. 259.)

LIX.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE WADING RIVER HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS ROCKY POINT STATION.

August 1, 1906.

This petition was filed with this Board on December 4, 1902, and withdrawn by the petitioner in a letter dated June 12, 1906. Subsequently another

petition as to this crossing was filed with this Board by the company, but was also withdrawn as stated hereinafter under this title. (Grade Crossing Case No. 406.)

LX.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE SOUTH COUNTRY ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD ABOUT 2,284 FEET EAST OF ITS GREAT RIVER STATION.

August 1, 1906.

This petition was filed with this Board on January 25, 1906, and withdrawn by the petitioner in a letter dated June 12, 1906. (Grade Crossing Case No. 582.)

LXI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE WADING RIVER HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS ROCKY POINT STATION.

August 7, 1906.

This petition was filed with this Board on July 5, 1906. A public hearing in the matter was held, at which hearing the petitioner withdrew the petition. See preceding statement under this title as to former petition in relation to this crossing. (Grade Crossing Case No. 608.)

LXII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE DELAMATERS ROAD OR CHESTNUT AVENUE HIGHWAY GRADE CROSSING OF ITS RAILROAD EAST OF ITS CENTRAL ISLIP STATION.

August 8, 1906.

This petition was filed with this Board on July 5, 1906. A public hearing in the matter was held, at which hearing the petitioner withdrew the petition. See preceding statement under this title as to former petition in relation to this crossing. (Grade Crossing Case No. 605.)

LXIII.

IN THE MATTER OF THE PETITION OF THE TOWN BOARD OF THE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING A GRADE CROSSING OF THE LONG ISLAND RAILROAD BY THE RIVER ROAD HIGHWAY AT EASTPORT IN SAID TOWN TO AN OVERCROSSING.

Determination. August 8, 1906.

This petition, by the town board of the town of Southampton, Suffolk county, under section 62 of the Railroad Law, was filed with this Board

on February 22, 1905. It alleges that public safety requires an alteration of the manner in which a highway known as the River road crosses the railroad of the Long Island Railroad Company at Eastport in said town, and asks this Board to determine that said crossing shall be changed from grade and be carried over said railroad on a bridge to be constructed within the lines of the highway. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Eastport station on said company's railroad on August 8, 1906. Thomas W. Lester, supervisor, W. C. Green, G. Clarence Topping, Gaston E. Bishop and W. E. Griffing, justices of the peace, appeared for the town board; Frank B. Phillips and Sherwood Hallock, highway commissioners, also appeared for the town; J. F. Keany appeared for the Long Island Railroad Company in favor of the application; A. C. Tuttle, a property owner, also appeared. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. It appeared at this hearing that the town now desires that the proposed overcrossing be not in the line of the present highway, as by construction outside of the line of the present highway a straighter crossing may be secured.

It seems to this Board from the evidence, that public safety requires that this crossing should be changed from grade to an overcrossing. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island railroad by a highway known as the River road at Eastport in the town of Southampton, Suffolk county, shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway and an overhead bridge crossing of said railroad to be located a short distance to the west of the present grade crossing, which said new pieces of highway and said overhead bridge crossing of said railroad this Board hereby determines, under section 62 of the Railroad Law, shall be constructed, the new pieces of highway and overhead bridge to be constructed in a straight line.

This work is under way. (Grade Crossing Case No. 528.)

LXIV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE GRADE CROSSING OF SAID COMPANY'S RAILROAD BY A HIGHWAY KNOWN AS HORSEBLOCK ROAD IN THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY.

Determination. August 8, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 5, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Horseblock road in the town of Brookhaven, Suffolk county, situated at a point about 8,450 feet distant easterly from the Medford station on said company's railroad, and asks this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by existing highways, viz., Bartlett avenue on the north of said company's railroad, and Horseblock road on the south of said company's railroad, to the Munsell road highway grade crossing of said company's railroad which is the next crossing east of the Horseblock road crossing. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Medford station on said company's railroad on August 8, 1906. J. F. Keany appeared for the petitioner; James M. Ashton and E. S. Robinson, highway commissioners of the town of Brookhaven, appeared in favor of the application; Herman Kluge, a property owner, appeared in opposition. After hearing evidence and arguments, the hearing was closed. The Board inspected the crossing and locality.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island railroad by a highway known as Horseblock road in the town of Brookhaven, Suffolk county, situated at a point about 8,450 feet distant easterly from the Medford station on said company's railroad, shall be closed and discontinued, the travel thereon to be diverted therefrom by existing highways, viz., Bartlett avenue on the north of said company's railroad, and Horseblock road on the south of said company's railroad, to the Munsell road highway grade crossing of said company's railroad which is the next crossing east of the Horseblock road crossing.

This crossing has been closed without expense to the state or town. (Grade Crossing Case No. 607.)

LXV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE GRADE CROSSING OF SAID COMPANY'S RAILROAD BY A HIGHWAY KNOWN AS THE FISH OR THICKET ROAD IN THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY.

Determination. August 8, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 5, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Fish or Thicket road in the town of Brookhaven, Suffolk county, situated at a point about 3,100 feet distant easterly from the Holtsville station on said company's railroad, and asks this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the existing Fish or Thicket road highway to an existing undercrossing of said railroad by a highway known as the old Pine Neck road or Tunnel road which undercrossing is the next crossing of said railroad east of said Fish or Thicket road grade crossing, and the travel on said Fish or Thicket road existing grade crossing to also be diverted therefrom by the construction of a new piece of highway on the south side of said railroad from said Fish or Thicket road to a highway known as Douglas street or Blue Point road which is the next crossing of said railroad west of said Fish or Thicket road crossing and which crosses said railroad at grade. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Medford station on said company's railroad on August 8, 1906. J. F. Keany appeared for the petitioner; James M. Ashton, F. A. Dowling and E. S. Robinson, highway commissioners of the town of Brookhaven, appeared in favor of the application; L. H. Robinson, a property owner, appeared in opposition; John Brander and Raymond Guilfoil also appeared. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as the Fish or Thicket road in the town of Brookhaven, Suffolk county, situated at a point about 3,100 feet distant easterly from the Holtsville station on said company's railroad, shall be closed and discontinued, the travel thereon to be diverted therefrom by the existing Fish or Thicket road highway to an existing undercrossing of said railroad by a highway known as the Old Pine Neck road or Tunnel road which undercrossing is the next crossing of said railroad east of said Fish or Thicket road grade crossing, and the travel on said Fish or Thicket road existing grade crossing to also be diverted therefrom by the construction of a new

piece of highway on the south side of said railroad from said Fish or Thicket road to a highway known as Douglas street or Blue Point road which is the next crossing of said railroad west of said Fish or Thicket road crossing and which crosses said railroad at grade, and this Board hereby determines, under section 62 of the Railroad Law, that said new piece of highway shall be constructed and shall be three rods wide. This Board also hereby determines, under section 62 of the Railroad Law, that said Fish or Thicket road grade crossing shall not be closed and discontinued until said new piece of highway is constructed and ready for use by the public.

This work is under way. (Grade Crossing Case No. 606.)

LXVI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE GRADE CROSSING OF SAID COMPANY'S RAILROAD BY A HIGHWAY KNOWN AS LONG SWAMP ROAD IN THE TOWN OF HUNTINGTON, SUFFOLK COUNTY.

Corrected Determination. August 8, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 16, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Long Swamp road in the town of Huntington, Suffolk county, situated at a point about 800 feet distant easterly from the Huntington station on said company's railroad, and asks this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom to an undercrossing of said railroad proposed to be constructed at New York avenue by the construction of a new piece of highway from the Long Swamp road to First street, which First street is to have an approach to the New York avenue undercrossing, and by the construction of a new piece of highway from the Long Swamp road to Second street, which Second street is to have an approach through Fair Ground avenue to the New York avenue undercrossing. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Huntington station on said company's railroad on August 7, 1906. J. F. Keany appeared for the petitioner; Edward S. Ireland, supervisor; H. D. Denton, George S. Burr and A. Heckser Atchison, highway commissioners, Stanton E. Sammis, town clerk, and Allison E. Lowndes, attorney for the town board, appeared for the town of Huntington in opposition; Mr. Lowndes also appeared for a property owner in opposition; Willard N. Baylis appeared for A. S. Pettit and Mr. Soller, property owners, in opposition; Rowland Miles appeared for John S. Mullin, a property owner, in opposition; F. S. Van Schaick, a property owner, appeared in person. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. This Board on this date determined that the New York avenue crossing shall be changed from grade to an undercrossing of said railroad.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should in part be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as Long Swamp road in the town of Huntington, Suffolk county, situated at a point about 800 feet distant easterly from the Huntington station on said company's railroad shall be closed and discontinued, the travel thereon to be diverted therefrom to an undercrossing of said railroad (which this Board on this date has determined, under section 62 of the Railroad Law, shall be constructed at the New York avenue crossing of said railroad) by the construction of a new piece of highway from the Long Swamp road to Second street, which Second street is to have an approach through New York avenue to the New York avenue under-

crossing, which new piece of highway this Board hereby determines, under section 62 of the Railroad Law, shall be constructed. This Board also hereby determines, under section 62 of the Railroad Law, that said Long Swamp road grade crossing of said railroad shall not be closed and discontinued until said new piece of highway and said New York avenue undercrossing are constructed and ready for use by the public.

Detail plans, specifications and estimate of expense for this work have not yet been submitted to this Board. (Grade Crossing Case No. 615.)

LXVII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE GRADE CROSSING OF ITS RAILROAD BY A HIGHWAY KNOWN AS NEW YORK AVENUE IN THE TOWN OF HUNTINGTON, SUFFOLK COUNTY, TO AN UNDERCROSSING OF ITS RAILROAD.

Corrected Determination. August 8, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 16, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as New York avenue in the town of Huntington, Suffolk county, situated at a point about 100 feet distant easterly from the Huntington station on said company's railroad, and asks this Board to determine that said crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of an undercrossing of said railroad to be located approximately at the same point as the present grade crossing, with approaches to said proposed undercrossing from highways known as Fair Ground avenue and First street on the south side of said railroad, and with two other approaches to said undercrossing on the north side of said railroad, and with an approach by steps or an incline to said undercrossing from a hotel on the north side of said railroad, and with an approach to said undercrossing from an ice house and coal bin on the south side of said railroad, which undercrossing and approaches, where not already constructed, the petition asks this Board to determine shall be constructed. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Huntington station on said company's railroad on August 7, 1906. J. F. Keany appeared for the petitioner; Edward S. Ireland, supervisor, H. D. Denton, George S. Burr and A. Heckser Atchison, highway commissioners, Stanton E. Sammis, town clerk, and Allison E. Lowndes, attorney for the town board, appeared for the town of Huntington in opposition; Mr. Lowndes also appeared for a property owner in opposition; Willard N. Baylis, attorney for A. S. Pettit and Mr. Soller, property owners, appeared in opposition; Rowland Miles appeared for John S. Mullen, a property owner, in opposition; F. S. Van Schaick, a property owner, appeared in person. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should in part be granted. This Board, therefore hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as New York avenue in the town of Huntington, Suffolk county, situated at a point about 100 feet distant easterly from the Huntington station on said company's railroad, shall be changed from grade to an undercrossing of said railroad, said undercrossing to be located approximately at the same point as the present grade crossing, and there to be approaches to said undercrossing for foot passengers from highways known as Fair Ground avenue and First street on the south side of said railroad and there to be two other approaches to said undercrossing on the north side of said railroad and there to be an approach by steps or an incline to said undercrossing from a hotel on the north side of said railroad,

and there to be an approach to said undercrossing from an ice house and coal bin on the south side of said railroad, and there to be an approach to said undercrossing from a shed on the south side of said railroad, substantially as shown by a blue print amended plan filed with the Board in this matter on August 7, 1906, which blue print (No. 2590E) plan is attached to the office original determination in this matter on file in this office and which blue print plan also include the Long Swamp road grade crossing of said railroad referred to in another determination of this Board of this date, under section 62 of the Railroad Law.

Detail plans, specifications and estimate of expense for this work have not yet been submitted to this Board. (Grade Crossing Case No. 614.)

LXVIII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE GRADE CROSSING OF ITS RAILROAD BY A HIGHWAY KNOWN AS THE OLD WESTBURY ROAD IN THE TOWN OF NORTH HEMPSTEAD, NASSAU COUNTY, TO AN UNDERCROSSING OF ITS RAILROAD.

Determination. August 8, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 16, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Old Westbury road in the town of North Hempstead, Nassau county, situated at a point about 240 feet distant westerly from the Westbury station on said company's railroad, and asks this Board to determine that said crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of an undercrossing of said railroad to be located approximately at the same point as the present grade crossing, the plan filed with the petition showing an approach to said proposed undercrossing from the Brush Hollow road, which undercrossing the petition asks this Board to determine shall be constructed. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Westbury station of the Long Island Railroad Company on August 7, 1906. J. F. Keany appeared for the petitioner; William Post, highway commissioner, Monroe S. Wood, town clerk, and George B. Stoddard, attorney, for the town board of the town of North Hempstead, appeared for said town; Halstead Scudder, attorney for the county of Nassau, appeared in favor of changing the crossing from grade; L. B. Faber, for twelve property owners adjoining the crossing, appeared in opposition to the petition. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as the Old Westbury road in the town of North Hempstead, Nassau county, situated at a point about 240 feet distant westerly from the Westbury station on said company's railroad shall be changed from grade to an undercrossing of said railroad and that said highway shall be carried under said railroad at said point in an undercrossing, the undercrossing and approaches thereto to be located at the same point as the present grade crossing and to be the full width of the present highway, and there to be an approach to said undercrossing from the Brush Hollow road. This Board also hereby determines, under section 62 of the Railroad Law, that during the construction of said undercrossing a temporary means of crossing the railroad at grade at or near the present Old Westbury road grade crossing shall be provided.

Questions of property damages are delaying the progress of this work. (Grade Crossing Case No. 512.)

LXIX.

IN THE MATTER OF THE APPLICATION OF THE CHAUTAUQUA TRACTION COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS SINGLE TRACK RAILROAD CROSSING AT GRADE, TEMPORARILY, THE STEAM RAILROAD OPERATED BY THE PENNSYLVANIA RAILROAD COMPANY IN A STREET OR HIGHWAY VARIOUSLY KNOWN AS THE CHAUTAUQUA ROAD, LAKE ROAD, AND VALLEY STREET, IN THE VILLAGE OF MAYVILLE, CHAUTAUQUA COUNTY.

August 27, 1906.

See page 136, first volume 1904 report of this Board. The temporary crossing has been removed and the Traction Company's railroad crosses the Pennsylvania Railroad on an overhead bridge. (Case No. 3195.)

LXX.

IN THE MATTER OF THE PETITION OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF LIVONIA, LIVINGSTON COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CROSSINGS AT GRADE OF THE ERIE RAILROAD IN SAID VILLAGE.

Determination. August 28, 1906.

This petition, by the president and trustees of the village of Livonia, Livingston county, under section 62 of the Railroad Law, was filed with this Board on January 23, 1904. It alleges that public safety requires the closing and discontinuance of the Main street, Big Tree street and West avenue grade crossings of the Erie Railroad in said village, and asks this Board to determine that said crossings shall be closed and discontinued, the travel thereon to be diverted therefrom to a new crossing of said railroad which the petition asks this Board shall be constructed across said railroad not at the grade of the railroad in the vicinity of the present said grade crossings. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker of this Board (by delegation of the Board) in the village of Livonia on June 27, 1906. A. N. Stewart, president of the village, and Charles Ward, attorney of the village, appeared for the petitioners; S. E. Hitchcock, attorney in fact for the heirs at law of F. J. Coe, also appeared; F. A. Robins appeared for the Erie Railroad Company. After hearing arguments the arguments were closed, but the matter was held open. It appeared at this hearing that the desire of the petitioners is not that the main street and Big Tree street crossings shall be closed, but that the West avenue crossing should be closed and the travel diverted to a new overhead crossing proposed. It also appeared at this hearing that perhaps the proper statutory notice of the hearing to property owners had not been given, and after receipt of waiver of notice from certain of said property owners another hearing in this matter was held by Commissioner Baker of this Board (by delegation of the Board) in the village of Livonia on August 18, 1906, after notice to local authorities, the company, attorneys and property owners. At the hearing on August 18, A. N. Stewart, president of the village, and Harry Pease (for Charles Ward, attorney of the village), appeared for the petitioners; Amos D. Coe, administrator of the estate of F. J. Coe, appeared for that estate as a property owner; F. A. Robins, attorney, and C. N. Moore, engineer of grade crossings, appeared for the Erie Railroad Company not in opposition. After hearing evidence and arguments the evidence was closed, but the matter was held open. Commissioner Baker inspected the crossings and locality. A plan for a proposed overcrossing was presented at this hearing by the company. This plan provides that the West avenue crossing at grade of said railroad shall be closed and discontinued, and that a new piece of highway shall be constructed from a point on West avenue (west of the railroad and approximately 680 feet north of

and there to be an approach to said undercrossing from an ice house and coal bin on the south side of said railroad, and there to be an approach to said undercrossing from a shed on the south side of said railroad, substantially as shown by a blue print amended plan filed with the Board in this matter on August 7, 1906, which blue print (No. 2590E) plan is attached to the office original determination in this matter on file in this office and which blue print plan also include the Long Swamp road grade crossing of said railroad referred to in another determination of this Board of this date, under section 62 of the Railroad Law.

Detail plans, specifications and estimate of expense for this work have not yet been submitted to this Board. (Grade Crossing Case No. 614.)

LXVIII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE GRADE CROSSING OF ITS RAILROAD BY A HIGHWAY KNOWN AS THE OLD WESTBURY ROAD IN THE TOWN OF NORTH HEMPSTEAD, NASSAU COUNTY, TO AN UNDERCROSSING OF ITS RAILROAD.

Determination. August 8, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 16, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Old Westbury road in the town of North Hempstead, Nassau county, situated at a point about 240 feet distant westerly from the Westbury station on said company's railroad, and asks this Board to determine that said crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of an undercrossing of said railroad to be located approximately at the same point as the present grade crossing, the plan filed with the petition showing an approach to said proposed undercrossing from the Brush Hollow road, which undercrossing the petition asks this Board to determine shall be constructed. A public hearing on this petition, after notice as required by the statute, was held by this Board at the Westbury station of the Long Island Railroad Company on August 7, 1906. J. F. Keany appeared for the petitioner; William Post, highway commissioner, Monroe S. Wood, town clerk, and George B. Stoddard, attorney, for the town board of the town of North Hempstead, appeared for said town; Halstead Scudder, attorney for the county of Nassau, appeared in favor of changing the crossing from grade; L. B. Faber, for twelve property owners adjoining the crossing, appeared in opposition to the petition. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as the Old Westbury road in the town of North Hempstead, Nassau county, situated at a point about 240 feet distant westerly from the Westbury station on said company's railroad shall be changed from grade to an undercrossing of said railroad and that said highway shall be carried under said railroad at said point in an undercrossing, the undercrossing and approaches thereto to be located at the same point as the present grade crossing and to be the full width of the present highway, and there to be an approach to said undercrossing from the Brush Hollow road. This Board also hereby determines, under section 62 of the Railroad Law, that during the construction of said undercrossing a temporary means of crossing the railroad at grade at or near the present Old Westbury road grade crossing shall be provided.

Questions of property damages are delaying the progress of this work. (Grade Crossing Case No. 512.)

LXIX.

IN THE MATTER OF THE APPLICATION OF THE CHAUTAUQUA TRACTION COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS SINGLE TRACK RAILROAD CROSSING AT GRADE, TEMPORARILY, THE STEAM RAILROAD OPERATED BY THE PENNSYLVANIA RAILROAD COMPANY IN A STREET OR HIGHWAY VARIOUSLY KNOWN AS THE CHAUTAUQUA ROAD, LAKE ROAD, AND VALLEY STREET, IN THE VILLAGE OF MAYVILLE, CHAUTAUQUA COUNTY.

August 27, 1906.

See page 136, first volume 1904 report of this Board. The temporary crossing has been removed and the Traction Company's railroad crosses the Pennsylvania Railroad on an overhead bridge. (Case No. 3195.)

LXX.

IN THE MATTER OF THE PETITION OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF LIVONIA, LIVINGSTON COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CROSSINGS AT GRADE OF THE ERIE RAILROAD IN SAID VILLAGE.

Determination. August 28, 1906.

This petition, by the president and trustees of the village of Livonia, Livingston county, under section 62 of the Railroad Law, was filed with this Board on January 23, 1904. It alleges that public safety requires the closing and discontinuance of the Main street, Big Tree street and West avenue grade crossings of the Erie Railroad in said village, and asks this Board to determine that said crossings shall be closed and discontinued, the travel thereon to be diverted therefrom to a new crossing of said railroad which the petition asks this Board shall be constructed across said railroad not at the grade of the railroad in the vicinity of the present said grade crossings. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker of this Board (by delegation of the Board) in the village of Livonia on June 27, 1906. A. N. Stewart, president of the village, and Charles Ward, attorney of the village, appeared for the petitioners; S. E. Hitchcock, attorney in fact for the heirs at law of F. J. Coe, also appeared; F. A. Robins appeared for the Erie Railroad Company. After hearing arguments the arguments were closed, but the matter was held open. It appeared at this hearing that the desire of the petitioners is not that the main street and Big Tree street crossings shall be closed, but that the West avenue crossing should be closed and the travel diverted to a new overhead crossing proposed. It also appeared at this hearing that perhaps the proper statutory notice of the hearing to property owners had not been given, and after receipt of waiver of notice from certain of said property owners another hearing in this matter was held by Commissioner Baker of this Board (by delegation of the Board) in the village of Livonia on August 18, 1906, after notice to local authorities, the company, attorneys and property owners. At the hearing on August 18, A. N. Stewart, president of the village, and Harry Pease (for Charles Ward, attorney of the village), appeared for the petitioners; Amos D. Coe, administrator of the estate of F. J. Coe, appeared for that estate as a property owner; F. A. Robins, attorney, and C. N. Moore, engineer of grade crossings, appeared for the Erie Railroad Company not in opposition. After hearing evidence and arguments the evidence was closed, but the matter was held open. Commissioner Baker inspected the crossings and locality. A plan for a proposed overcrossing was presented at this hearing by the company. This plan provides that the West avenue crossing at grade of said railroad shall be closed and discontinued, and that a new piece of highway shall be constructed from a point on West avenue (west of the railroad and approximately 680 feet north of

the present grade crossing by West avenue of the railroad), said new piece of highway to be carried across said railroad on an overhead bridge, and said new piece of highway to be continued on the east side of said railroad to an intersection with Commercial street.

It seems to this Board from the evidence that public safety requires that the West avenue grade crossing of said railroad shall be closed and discontinued, and the said new piece of highway and overhead bridge crossing of said railroad shall be constructed. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the West avenue grade crossing of the Erie Railroad in the village of Livonia, Livingston county, shall be closed and discontinued, the travel thereon to be diverted therefrom through West avenue and Commercial street to a new piece of highway to be constructed in an easterly direction from a point on West avenue west of the railroad and approximately 680 feet north of the present grade crossing by West avenue of the railroad, said new piece of highway to be carried across said railroad on an overhead steel bridge, and said new piece of highway to be continued on the east side of said railroad to an intersection with Commercial street, and this Board hereby determines, under section 62 of the Railroad Law, that said new piece of highway and said overhead steel bridge shall be constructed. Said changes to be made substantially in accordance with a blue print plan filed at the hearing in this matter on August 18, 1906, which blue print plan is attached to the office original determination in this matter on file in this office.

Detail plans, specifications and estimate of expense for this work have been approved. (Grade Crossing Case No. 469.)

LXXI.

IN THE MATTER OF THE APPLICATION OF THE CHAUTAUQUA TRACTION COMPANY (STREET SURFACE), UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS SINGLE TRACK RAILROAD CROSSING THE JAMESTOWN, CHAUTAUQUA AND LAKE ERIE RAILWAY (STEAM) IN AN EXISTING UNDERCROSSING OF SAID STEAM RAILROAD BY FACTORY STREET IN THE VILLAGE OF WESTFIELD.

Determination. September 10, 1906.

This application, by the Chautauqua Traction Company, under section 68 of the Railroad Law, was filed with this Board on August 1, 1906. It asks for a determination that the single track street surface electric railroad of the applicant may cross the Jamestown, Chautauqua and Lake Erie Railway (steam) in an existing undercrossing of said railroad by Factory street in the village of Westfield. An inspection and report (dated August 14, 1906) as to the conditions at this undercrossing was made by the electrical expert of this Board, from which report it appears that the width of the undercrossing between abutments is fifteen feet four inches. A copy of an agreement between the said companies that the applicant company's railroad may cross the steam railroad in this undercrossing was filed with this Board.

From Factory street under the bridge carrying the steam railroad the view of approaching vehicles from the north is unobstructed for two hundred and fifty feet from the south for about a thousand feet, to the end of the street which is a dead end. There is but little travel on the street at this point. While the width between abutments at this undercrossing is but fifteen feet four inches, this Board believes that it would be justified in granting this application in view of the conditions as to view and as to little travel on the street at this point.

This Board, therefore, hereby determines, under section 68 of the Railroad Law, that the single track street surface electric railroad of the Chautauqua Traction Company shall cross the Jamestown, Chautauqua and Lake

Erie Railway (steam) in the existing undercrossing of said steam railroad by Factory street in the village of Westfield upon the conditions set forth in an agreement between the said companies, a copy of which is on file with the papers in this case in this office.

The street surface railroad now crosses in this undercrossing. (Case No. 3668.)

LXXII.

IN THE MATTER OF THE COMPLAINT OF H. B. ROYCE AGAINST THE ERIE RAILROAD COMPANY AS TO OBSTRUCTION OF A HIGHWAY GRADE CROSSING.

September 10, 1906.

This complaint, by H. B. Royce, of Middletown, was filed with this Board on August 8, 1906. It alleged that freight trains of the Erie Railroad Company unduly obstructed a highway grade crossing of said company's railroad located at a point one-half mile west of Otisville, Orange county. After correspondence the company informed this Board that, " * * * As previously advised, our instructions are to the effect that this crossing must not be blocked under any circumstances, and the only instance we have been able to find was in the case of an engine being unable to handle the necessary number of cars to open the crossing. * * * " A copy of this letter was sent to the complainant and the case was closed. (Case No. 3677.)

LXXIII.

IN THE MATTER OF THE APPLICATION OF THE ROCHESTER RAILWAY COMPANY FOR APPROVAL OF DERAILING DEVICES.

September 10, 1906.

This application, by the Rochester Railway Company, was filed with this Board on July 30, 1906. It asked approval of derailing devices to be installed in the applicant's railway (electric) at a point where said railway and the Pennsylvania Railroad (steam — Western New York and Pennsylvania Railway, lessor) cross at grade on Plymouth avenue, Rochester, and at a point where the Rome, Watertown and Ogdensburg Railroad (steam — leased to and operated by The New York Central and Hudson River Railway Company) and the applicant's railway cross at grade on St. Paul street near the Seneca Park entrance, Rochester. The plans were approved. The derailing devices have not yet been installed, but the company informs the Board that they will be in the Spring or as soon as practicable after receipt of the devices from the manufacturers. (Case No. 3665.)

LXXIV.

IN THE MATTER OF THE COMPLAINT OF THE RIDGEWOOD BOARD OF TRADE, BROOKLYN, AGAINST THE LONG ISLAND RAILROAD COMPANY AS TO STARR STREET.

September 10, 1906.

This complaint, by the Ridgewood Board of Trade of Brooklyn, purporting to be against the New York Connecting Railroad Company, was filed with this Board on July 25, 1906. It related to an alleged crossing of Starr street, Brooklyn, by a railroad track of said company. On communication with the

company the Board was informed that the track in question was owned by the Long Island Railroad Company. After an investigation it appeared that Starr street had never been regularly laid out across the Long Island Railroad at this point, and the case was closed. See under this title in this volume other matter as to this Starr street. (Case No. 3862.)

LXXV.

IN THE MATTER OF THE COMPLAINT OF F. FRIEDLEBEN, OF WAKEFIELD, AGAINST THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY AS TO AN UNDERCROSSING AT EAST TWO HUNDRED AND FORTY-FIRST STREET, NEW YORK CITY.

September 10, 1906.

This complaint, by F. Friedleben, of Wakefield, New York, was filed with this Board on August 1, 1906. It complained of the condition of an undercrossing of the New York, New Haven and Hartford Railroad at East Two Hundred and Forty-first street, Wakefield. A copy of the complaint was sent to the company, which answered that, " * * * Investigation by our Engineering Department develops the fact that, while some slight changes in the masonry at this point were being made, through oversight or carelessness on the part of the contractors' men, some cement was spilled over the abutment as Mr. Friedleben was passing. There was no intention in the matter and the accident is regretted. * * * " A copy of this answer was sent to complainant, who expressed himself as satisfied, and the case was closed. (Case No. 3871.)

LXXVI.

IN THE MATTER OF THE PETITION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE GRANT AVENUE GRADE CROSSING OF THE AUBURN BRANCH OF SAID COMPANY'S RAILROAD IN THE TOWN OF SENNETT, CAYUGA COUNTY.

Determination. September 11, 1906.

This petition, by the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, was filed with this Board on November 4, 1904. It alleges that public safety requires that a grade crossing of said company's railroad (Auburn branch) by a highway known as Grant avenue in the town of Sennett, Cayuga county, at a point one and one-half miles west of the Sennett station on said railroad shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway proposed to be laid out along the southeasterly margin of the right of way of said railroad between Grant avenue and Phelps highway and to cross said railroad by an existing overhead bridge crossing of said railroad by Phelps highway, and asks this Board to so determine. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker (by delegation of this Board) at the Sennett station on said railroad on July 5, 1906. After hearing evidence and arguments the hearing was adjourned until July 21 at the Osborn house, Auburn, and held by Commissioner Baker at that time. At the hearing on July 5, Harris & Harris appeared for the petitioner; Richard C. S. Drummond appeared for the town board of the town of Sennett and for property owners, in opposition; F. E. Stork appeared for the Nelson Beardslev estate; Frank J. Riley, highway commissioner and property owner, C. D. Phelps, Charles Phelps, property

owners, and Thomas A. Wilcox, supervisor of the town of Sennett, appeared in person. At the hearing in Auburn Harris & Harris appeared for the petitioner; Richard C. S. Drummond and W. L. Drummond appeared for the town board of the town of Sennett and for property owners, in opposition; Thomas A. Wilcox, supervisor of the town, appeared in opposition. After hearing evidence and arguments at the hearing in Auburn the evidence was closed but the matter was held open. There was subsequently filed with this Board a petition by the town board of the town of Sennett, under section 62 of the Railroad Law, asking that the said Grant avenue grade crossing of said railroad shall be changed from grade to an overcrossing of the railroad and that a new piece of highway shall be constructed from Grant avenue to Phelps highway and that the Phelps highway existing overcrossing of said railroad shall be closed and discontinued, the reason for the closing of said overcrossing being that the grade to the bridge is prohibitive to heavy traffic. The matter of this petition is now pending.

It seems to the Board that the petition of the company should not be granted, and it is, therefore, hereby denied.

See determination as to this crossing under this title in this volume on petition of the town of Sennett. (Grade Crossing Case No. 516.)

LXXVII.

IN THE MATTER OF THE PETITION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF YONKERS AND THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, JOINED, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CROSSINGS BY STREETS AND AVENUES OF SAID COMPANY'S RAILROAD IN SAID CITY.

Determination. September 11, 1906.

Appearances: Francis A. Winslow, city attorney, John H. Coyne, mayor, Thomas F. Curran, city attorney, and Samuel L. Cooper, commissioner of public works, for the city of Yonkers; Ira A. Place, A. H. Harris and C. C. Paulding for the New York Central and Hudson River Railroad Company; Sheehan & Collin (Charles T. Lark, appearing), for a property owner; F. A. Stratton and Shearman & Sterling (John G. Saxe and Mr. Breed, appearing), for property owners; Ludlow, Townsend & Timpson and Ludlow & Townsend (James B. Ludlow appearing), for property owners; H. W. Ely for a property owner; William H. Richardson for property owners; James S. Fitch for a property owner; Lavinia Lally for property owners; H. S. Ford, a property owner, appeared in person; Thomas Pearson, a property owner, appeared in person; Thomas Murphy for a property owner; Michael J. Hays appeared in person and for Mary G. Hays, a property owner; Will Clark, a property owner, appeared in person; Arnstein & Bevy for a property owner, in opposition; Augustus N. Hand for property owners, in opposition; Fisher & Fisher for a property owner; J. H. Southwick, an alderman of the city, in person, and for Mr. Day and for Mr. Dean; Waldo G. Morse for himself and John D. Sullivan; E. K. Martin, president of the board of trade of Yonkers; Campbell Scott for a property owner; Joseph Peene in person; Fremont Wilson, a property owner, appeared in person.

The above-named persons appeared before the Board at one or more public hearings. We do not undertake here to give in detail the names of property owners for whom the above-named persons appeared, but refer to the stenographers' minutes of the hearings for statements in detail on this point, nor do we give here (unless they appeared at one of the hearings) the names of persons signing petitions or sending letters to this Board in this matter:

This petition, by the mayor and common council of the city of Yonkers and the New York Central and Hudson River Railroad Company, joined, was filed with this Board on March 28, 1905. It is as follows:

"The petition of the mayor and common council of the city of Yonkers, and of the New York Central and Hudson River Railroad Company, respectfully shows:

"That public safety requires that the crossings at grade of the New York Central and Hudson River Railroad Company with Pier street, Fernbrook street, Dock street, Wells avenue and Ashburton avenue in the city of Yonkers should be eliminated; that Pier and Fernbrook street crossings should be closed and travel from said streets carried over the tracks of said railroad company on a bridge constructed in the line of Ludlow street; that Dock street, Wells avenue and Ashburton avenue should be carried under said tracks, and that such changes should be made in such streets, and in the approaches to such crossings, and in the grade and manner of crossing at Vark street, Main street and Babcock place, and that such other streets should be opened, extended, closed or altered as the plan of elimination of said grade crossings may necessitate.

"A plan is herewith submitted showing the proposed eliminations and changes incident thereto, marked 'Plan A, as modified by plan Y.'

"Wherefore your petitioners pray that an order may be made for the elimination of said grade crossings, and for the changes of streets, grades and approaches incident thereto."

Plans for the changes (in addition to the plan mentioned in the petition) were filed with the petition providing that the Pier and Fernbrook street grade crossings should be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway on the westerly side of said railroad and by the existing Bridge street on the easterly side of said railroad to an overhead crossing of said railroad proposed to be constructed at a point about 105 feet south of the present Fernbrook street grade crossing; the plans also provided that the Dock street, Wells avenue and Ashburton avenue grade crossings of the railroad should be changed to undercrossings of the railroad; the plans also provided that the present overgrade crossing of the railroad by Main street should be changed to an undercrossing; the plans also provided that the present Vark street and the present Babcock place overcrossings of said railroad should remain overcrossings but should be raised and new bridges provided. This determination follows these plans except that we hereinafter determine that the Pier street and Fernbrook street grade crossings of the railroad shall be changed to overcrossings and be carried over the railroad on bridges on the present lines of said streets. The plans as filed with the petition were drawn by the railroad company and approved by the city. Public hearings on this petition, after notice as required by the statute, were held in the city of Yonkers on August 2, 1905, and in the city of New York on October 31st, November 16th, November 22d, and December 19, 1905, in the city of Albany on December 12, 1905, and in the city of New York on June 19, 1906. On this latter date the evidence was closed subject to a motion to reopen, which motion has not been made, but the case as a whole was not closed until the date of this determination. The principal opposition came from James B. Ludlow, a property owner, who filed an answer to the petition. An answer was also filed by James B. Ludlow and Jacob F. Miller, as executors of the will of Thomas W. Ludlow, Jr. An answer was also filed by Annie L. Winters, a property owner. An answer was also filed by Waldo G. Morse and John D. Sullivan, taxpayers, and a protest was also filed by Lavinia Lally for herself and other property owners. Mr. Ludlow's main contention was that neither Pier nor Fernbrook streets should be closed, but that both should be carried either over or under the railroad. This was also the contention of Annie L. Winters and Messrs. Ludlow and Miller, as executors. As stated, we are so determining. Another contention of Mr. Ludlow and Annie L. Winters and said executors is that there should be provided "a safe and proper crossing at the southerly end of the Ludlow property to the old dock to and from which a roadway has been in existence since 1835." With this contention this Board has not to do as the crossing is not a highway crossing. We assume that section 32

of the Railroad Law, as to farm crossings, or other provisions of statute or contract in which the property owners and company alone are interested apply to this matter. This is also true of Valentine's lane and Downing street. Mr. Ludlow also contended that there should be filed a plan showing the location of and conditions as to a new passenger station which is to be constructed at Ludlow. There is an agreement between the city and the company on this subject and this Board in this proceedings has not to pass upon it and does not pass upon it.

The answer of Waldo G. Morse and John D. Sullivan and the protest of Lavinia Lally for herself and other property owners have been considered by this Board.

Main street, Vark street and Babcock place are at present overcrossings of the railroad. Under this determination Main street will become an undercrossing and the Vark street and Babcock place crossings will be raised. Although these crossings are not now grade crossings, we have no doubt of our authority under the provisions of section 62 of the Railroad Law to determine that they shall be changed as stated in this determination.

The company proposes to operate trains through Yonkers by the third rail electric system of motive power and at some of the crossings in question there will be laid tracks in addition to those in existence when the petition was filed. The roadbed for long distances either side of the crossings will also be raised. None of the cost of additional tracks or additional raising of roadbed is included in the estimate for this work, but said estimate is limited to the cost of changing the crossings as the conditions were when the petition was filed and as if no other changes were contemplated.

Petitions from residents of the city in favor of the change of these crossings were presented to this Board.

The Attorney-General has rendered an opinion to the effect that this Board has authority to make this determination.

After careful consideration of the evidence and the various maps and papers filed in this proceeding, this Board hereby determines, under section 62 of the Railroad Law, as follows:

1. That the Pier street grade crossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be changed from grade and that said street shall be carried over said railroad on an overhead bridge to be constructed on the present lines of the street.
2. That the Fernbrook street grade crossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be changed from grade and that said street shall be carried over said railroad on an overhead bridge to be constructed on the present lines of the street, and there to be an approach to said overhead crossing from Bridge street.
3. That the Vark street overcrossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be raised and that said street shall be carried over said railroad on a new overhead bridge.
4. That the Main street overcrossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be changed to an undercrossing and that said street shall be carried under said railroad in an undercrossing to be constructed on the present lines of the street.
5. That the Dock street grade crossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be changed from grade and that said street shall be carried under said railroad in an undercrossing to be constructed on the present lines of the street.
6. That the Wells avenue grade crossing of the New York Central and Hudson River railroad in the city of Yonkers shall be changed from grade and that said street shall be carried under said railroad in an undercrossing to be constructed on the present lines of the street.
7. That the Ashburton avenue grade crossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be changed from grade and that said street shall be carried under said railroad in an undercrossing.

8. That the Babcock place overcrossing of the New York Central and Hudson River Railroad in the city of Yonkers shall be raised and that said street shall be carried over said railroad on a new overhead bridge.

This Board also hereby determines, under section 62 of the Railroad Law, that the said changes in the said crossings referred to above under the numbers 1, 2, 3, 4, 5, 6, 7 and 8 as well as changes in the grades, elevations and locations of streets and avenues incident to this work shall be made and shall be made substantially as shown by blue print plans which are exhibits in this case and which are attached to the office original determination in this matter on file in this office and which are marked by our stenographer respectively as follows:

"Applicant's Ex. No. 1 of Dec. 12, 1905, G. C. Case No. 533, K. F. C." The portions of this plan which show Ludlow street extended across the railroad and which show a proposed street west of the railroad are to be ignored because they show what was proposed, as stated above, but what this Board does not determine.

"Applicant's Ex. No. 2, Aug. 2, 1905, G. C. Case No. 533, K. F. C."

"Applicant's Ex. No. 3, Aug. 2, 1905, G. C. Case No. 533, K. F. C."

"Applicant's Ex. No. 4, Aug. 2, 1905, G. C. Case No. 533, K. F. C."

This Board also hereby determines that the State shall pay but one hundred and thirty-eight thousand dollars (\$138,000) of the cost of this work under this determination, this sum of one hundred and thirty-eight thousand dollars (\$138,000) to be the amount in full that the State shall pay as its proportion of the cost of changing said crossings under this determination.

Detail plans for this work have not yet been submitted to this Board. (Grade Crossing Case No. 533.)

LXXVIII.

IN THE MATTER OF THE APPLICATION OF THE WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY (WHOSE RAILWAY IS OPERATED BY THE PENNSYLVANIA RAILROAD COMPANY), UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS DOUBLE TRACK BRANCH OR CUT-OFF RAILROAD SHALL CROSS CERTAIN HIGHWAYS IN THE TOWN OF WEST SENECA, ERIE COUNTY.

Determination. September 11, 1906.

This application, by the Western New York and Pennsylvania Railway Company (whose railway is operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, was filed with this Board on June 19, 1906. The applicant asks the Board to determine the manner in which a double track branch or cut-off railroad proposed to be constructed by it shall cross certain highways in the town of West Seneca, Erie county, to wit:

1. Fishers road highway;
2. Ridge road or Ridge road extension highway;
3. Highways known as Potters Corners road and Langer road (near the point where said two highways join);
4. Highways known as Center road and Seneca plank road (near the point where said two highways join);
5. North Seneca street highway.

A public hearing in this matter, after notice as required by the statute, was held by this Board in the city of Buffalo on July 24, 1906. Frank Rumsey appeared for the applicant; John W. Fisher appeared for the town of West Seneca. After hearing arguments the hearing was adjourned until August 1 in Albany, but was subsequently postponed until August 28 and

held at the office of this Board in New York city, at which time the appearances were the same as at the hearing in Buffalo. After hearing evidence and arguments at the hearing on August 28 the evidence was closed but the matter was held open. An inspection of and report as to these proposed crossings was made by the inspector of grade crossings in this department.

There was filed with this Board a copy of a resolution of the town board and board of highway commissioners of the town of West Seneca to the effect that the crossings in question by the railroad should be at the grade of the highways, except that the railroad should cross underneath the Center road and Seneca plank road highways near the point where said two highways join.

After consideration of the evidence, this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the said double track branch or cut-off railroad of the Western New York and Pennsylvania Railway Company (whose railway is operated by the Pennsylvania Railroad Company) to cross otherwise than at grade the highways in the town of West Seneca, Erie county, hereinafter named except where a method of crossing otherwise than at grade is hereinafter named, and in such cases this Board hereby determines that said crossings by said double track branch or cut-off railroad shall be underneath the highways as hereinafter set forth:

1. At grade the highway known as Fishers road.
2. At grade the highway known as Ridge road or Ridge road extension.
3. At grade the highways known as Potters Corners road and Langer or Langner road, near the point where said two highways join.
4. Under the grade of the highways known as Center road and Seneca plank road, near the point where said two highways join.
5. At grade the highway known as North Seneca street.

These crossing are under construction. (Grade Crossing Case No. 601.)

LXXIX.

IN THE MATTER OF THE APPLICATION OF THE ERIE AND JERSEY RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN ORANGE COUNTY.

Determination as to crossings in the town of Walkill. September 11, 1906.

This application by the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, was filed with this Board on June 20, 1906. The applicant asks the Board to determine the manner in which its railroad shall cross streets, avenues or highways in the towns of Deer Park, Mount Hope, Walkill, Hamptonburg, Blooming Grove, New Windsor, Cornwall and Woodbury in Orange county. A public hearing on this application, after notice as required by the statute, was held by this Board in the village of Goshen on July 12. G. F. Brownell and G. N. Orcutt appeared for the applicant. William B. Royce appeared for the county of Orange and for the town of Walkill; Charles A. Evans, David W. Shaw and John J. Crane also appeared for the town of Walkill and for the highway commissioners of said town. While the hearing on July 12th was in relation to the proposed crossings in all of the towns above named, this determination and the appearances given above are in relation to crossings in the town of Walkill alone, a stipulation having been entered into between the company and said town as to the crossings. This determination, however, does not include proposed crossing numbered B-13 in the public notice of hearing as there is to be a further conference in relation to said proposed crossing.

The matter of the crossings referred to in this determination was not closed until the date hereof.

The stipulation referred to above was entered into on August 15th before Commissioner Baker of this Board at Middletown, and this determination is in accordance therewith. None of the crossings are to be at grade.

This Board hereby determines under section 60 of the Railroad Law that the manner in which the Erie and Jersey Railroad shall cross the following named highways (the numbers corresponding to the numbers in the public notice of hearing) in the town of Wallkill, Orange county, shall be as follows: this Board also hereby determines under section 60 of the Railroad Law that changes in and abandonment of highways shall be made as herein-after set forth, to wit:

Town of Wallkill.

B-1. The highway from Howells to Fair Oaks station, crossing the filed center line of the Erie and Jersey Railroad near station 615 plus 30; and

B-2. The highway between Middletown and Little Shawangunk Kill, near station 617 plus 75.

The highway to be carried over the tracks of the Erie and Jersey Railroad and the Erie Railroad on a steel structure eighteen feet wide, of solid floor construction; in accordance with plan submitted by the Erie Company, dated March 6, 1906, now on file with the Board; and that the highway be changed and abandoned in accordance with such plan.

B-3. The highway from Rockville to Howells, crossing the filed center line of the Erie and Jersey Railroad near station 696 plus 24.

The highway to be carried over the line of the Erie and Jersey Railroad and Erie Railroad, upon an extension of the present structure which carries the highway over the Erie Railroad. The company agrees that whenever the present structure shall need renewing, it shall be done by the erection of a steel bridge sixteen feet wide, with a wooden floor, at the expense of the railroad company, and without expense to the town.

B-4. The highway from Rockville to Pilgrim Corners, crossing the filed center line of the Erie and Jersey Railroad near station 738 plus 06.

The highway to be carried over the tracks of the Erie and Jersey Railroad near station 738 upon a steel structure sixteen feet wide, with a wooden floor, and the highway to be abandoned and changed as shown on the plan submitted to the Board, dated March 16, 1906, now on file with the Board.

B-5. The highway between Middletown and Rockville, crossing the filed center line of the Erie and Jersey Railroad near station 790 plus 75.

The crossing at this point crosses the Middletown and Bloomburg plank road. The plank road is to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, twenty feet in width, with a wooden floor. B-5 and B-6 should be considered together.

B-6. The branch road from main highway Middletown to Rockville, crossing through filed center line of the Erie and Jersey Railroad near station 795 plus 36.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon the same structure that the plank road is carried over on, according to plan dated March 16, 1906, now on file with the Board, and that the highway be changed and abandoned in accordance with such plan. B-5 and B-6 should be considered together.

B-7. The highway from Rockville to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 809 plus 50.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel bridge sixteen feet wide, with a wooden floor, and in accordance with the plan dated March 15, 1906, now on file with the Board, and the highway to be changed and abandoned as shown upon said plan.

B-8. The highway from Middletown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 835 plus 89, known as Sand's crossing.

The highway to be carried over the line of the Erie and Jersey Railroad upon a steel bridge sixteen feet wide, of solid floor construction, of the same character as adopted by the State Engineer on State roads. The proposed change and abandonment of road to be made as shown on the plan now on file with the Board dated June 4, 1906.

B-9. The highway from Middletown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 862 plus 73.

The highway to be carried under the tracks of the Erie and Jersey Railroad with an opening of eighteen feet in width, and the clearance to be twelve feet, with a square headroom. The proposed change of road and abandonment of same to be made in accordance with plan dated March 14, 1906, now on file with the Board.

B-10. The highway from Mechanicstown to Rockville, crossing the filed center line of the Erie and Jersey Railroad near station 883 plus 83.5.

The highway to be carried under the tracks of the Erie and Jersey Railroad near station 887. The width of the opening to be twenty feet, with a clearance in the center of fourteen feet; in accordance with plans this day filed (August 15, 1906) and now on file with the Board, which are substituted for those dated March 13, 1906. The proposed change of road and proposed abandonment of road to be made as shown on plan dated August 9, 1906, now on file with the Board. The Erie and Jersey Railroad Company, by its authorized representatives, agreed that in consideration of the building by the town of the bridge over Bull Hack Run, being a part of the new highway to be constructed by the Erie and Jersey Railroad Company, in accordance with said plan, that it, the Erie and Jersey Railroad Company, will pay to the town of Walkkill the sum of \$800; and stipulated that the order of the Board of Railroad Commissioners should approve of such payment in the event of such bridge being built by said town.

B-11. The Middletown and Montgomery turnpike, crossing the filed center line of the Erie and Jersey Railroad near station 912 plus 88.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, twenty feet wide, of solid floor construction of the same character as adopted by the State Engineer in the case of State roads, in accordance with plan filed with the Board, dated March 9, 1906, and now on file with the Board. In this connection we think possible that the railroad may agree with the State Engineer on some charge which will make the grade better; but this determination is made now according to this petition, and with the understanding that the railroad company shall file with the Board, any additional plan that may be agreed upon between the State Engineer and the Company.

B-12. The highway from Mechanicstown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 968 plus 30.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, sixteen feet wide, with a wooden floor. The change of road and abandonment of road to be made in accordance with plan dated March 12, 1906, now on file with the Board.

B-14. The highway station 1038 plus 75, near which point it crosses the filed center line of the Erie and Jersey Railroad, and

B-15. The highway near station 1046 plus 07, near which point it crosses the filed center line of the Erie and Jersey Railroad.

This highway to be carried under the tracks of the Erie and Jersey Railroad with a width of twenty-four feet, and a clearance of twelve feet, and the angle of crossing thirty degrees from a right angle; the center of the new road shall be seventy-five feet from center line of Erie and Jersey Railroad. The proposed change of road and proposed abandonment of road to be made in accordance with plan now on file with the Board and dated March 8, 1906, except as changed hereby. Should the town desire to change the plan as filed with the Board by the construction of a new highway through the lands of Alanson Slaughter estate, Eugene Slaughter and Samuel G. Stage, relieving the railroad company from constructing a road on the easterly side of its tracks from the road known as the "Slaughter Road," northerly from the proposed State road, the Erie and Jersey Railroad Company shall pay the highway commission of the town of Walkkill \$500 toward the cost of the construction thereof; the said Erie and Jersey Railroad Company having by its authorized representatives appeared before the Board and consented to the making of such changes.

B-16. The highway near station 1079 plus 66, near which point it crosses the filed center line of the Erie and Jersey Railroad.

The highway to be carried over the Erie and Jersey Railroad upon a steel structure, twenty feet wide, with a solid floor, the same character as adopted by the State Engineer in case of State roads. The proposed change and abandonment of road to be made in accordance with the plan dated March 9, 1906, now on file with the Board.

B-17. The highway running north from Stony Ford station, crossing the filed center line of the Erie and Jersey Railroad near stations 1119 plus 76 and 1121 plus 72, and follows same between such stations.

The highway to be carried under the tracks of the Erie and Jersey Railroad with an opening of eighteen feet in width, and a clearance of twelve feet, square headroom; the highway to be changed and abandoned as shown on plan dated March 19, 1906, now on file with the Board.

B-18. The highway near station 1144 plus 60, crossing the filed center line of the Erie and Jersey Railroad and follows same to station 1146 plus 45.

The change of road and abandonment of road to be made in accordance with plan dated March 22, 1906, now on file with the Board to avoid a crossing.

B-19. The highway running east from Stony Ford station, near station 1167 plus 69.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, eighteen feet wide, with a wooden floor, in accordance with plan dated March 22, 1906, now on file with the Board.

These crossings are under construction. See two determinations immediately following. (Grade Crossing Case No. 600.)

LXXX.

IN THE MATTER OF THE APPLICATION OF THE ERIE AND JERSEY RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN ORANGE COUNTY.

Determination. October 30, 1906.

Appearances: G. F. Brownell, George N. Orcutt and H. A. Taylor, attorneys, F. L. Stuart, chief engineer, and C. K. Conard, assistant engineer, appeared for the applicant. William B. Royce for the county of Orange. W. L. Dickerson, attorney, George W. Crist, supervisor, and Robert R. White, highway commissioner, for the town of Hamptonburg. Roderick Robertson, attorney, Charles Loomis, supervisor, John N. Graham, G. Emmett Writer and J. E. Ketcham, highway commissioners, for the town of Mount Hope. A. H. F. Seeger, attorney, Edward J. Collin, attorney, Walter Denniston, supervisor, and Patrick Murphy, highway commissioner, for the town of New Windsor. C. E. & S. M. Cuddeback (C. E. Cuddeback appearing), for the highway commissioners of the town of Deer Park; W. H. Nearpass, supervisor, and C. J. Van Inwegen, highway commissioner, also appeared. H. W. Chadayne, supervisor, and John F. Thurston, highway commissioner, for the town of Cornwall. Alex. Thompson and Mr. Hunter, highway commissioner, for the town of Woodbury. W. H. Brewster, supervisor, for the town of Blooming Grove. F. M. Williams, C. E., for the State Engineer and Surveyor.

This application, by the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, was filed with this Board on June 20, 1906. The applicant asks the Board to determine the manner in which its railroad (now being constructed) shall cross streets, avenues or highways in the towns of Deer Park, Mount Hope, Wallkill, Hamptonburg, Blooming Grove, New Windsor, Cornwall and Woodbury, in Orange county, which (except those in the town of Wallkill) are hereinafter described. A public hearing on this application, after notice as required by the statute, was held by this Board in the village of Goshen on July 12. Subsequently and on August 15 a conference was held before Commissioner Baker of this Board in

the highway, as it considered that there would be cases where it would be impracticable to make the crossing other than at grade. There may well be cases where, unless the highway be changed, it would be impracticable for the crossing to be made otherwise than at grade. But in such a case it would not be contended that we would be justified in allowing a grade crossing when by a change of the highway it could be made under or over grade. A reading of section 11 of the Railroad Law (in relation to the intersection of highways by steam railroads) confirms us in the belief that the legislature, with that section in mind meant to provide further State superintendence and direction of changes in highways proposed to be crossed by new steam railroads. That this was the intention of the legislature in regard to new highways crossing existing steam railroads has been determined by the Court of Appeals (158 N. Y. 410) in its consideration of chapter 62 of the Laws of 1853 and section 61 of the Railroad Law. We think the statement of the court, that "The latter act (section 61) radically altered the procedure by which highways are to be carried across railroad tracks, a change of procedure made necessary by the radical change in the public policy of the State looking towards the ultimate abolition of the crossing of highways at grade by the tracks of steam railroads," appropriately applies to section 60. The changes in highways which we hereinafter determine shall be made are reasonable, practicable and safe and should be made, even though, perhaps, the under or over structure could be built (on a different plan) without a change in the highway.

For similar reasons we also believe that the legislature in section 60 conferred power on this Board to determine what the height, width, material, etc., of the structures at such crossings should be.

This Board hereby determines, under section 60 of the Railroad Law, that the manner in which the Erie and Jersey Railroad shall cross the following named highways (the numbers corresponding to the numbers in the public notice of hearing) in towns in Orange county, shall be as follows; this Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of highways shall be made as hereinafter set forth, to wit:

Town of Deer Park.

A-2. The highway from Otisville to Port Jervis near Station 272 of the filed center line of Erie and Jersey Railroad.

The highway shall be carried over the railroad at a point shown on a plan dated July 11, 1906, now on file with this Board in this matter, on a steel bridge, twenty feet wide between wheel-guards, with a clearance of twenty two feet above top of rail of the railroad. The bridge shall have a solid floor of the same character as that adopted by the State Engineer for State roads. The roadbed of the approaches to the bridge shall be twenty-two feet wide. The bridge shall be on an angle thirty degrees from a right angle to the railroad. Pieces of existing highway shall be abandoned and new pieces of highway shall be constructed in accordance with said plan dated July 11, 1906; rock to be dumped on outside of slope if necessary to assure the permanency of approaches; also suitable railings to be constructed along on each side of the approaches on embankments over three feet in height.

Town of Mount Hope.

A-3. The highway from Otisville to Howells, crossing the filed center line of Erie and Jersey Railroad near station 370 plus 72.

The highway shall be carried under the railroad and shall pass under the railroad near station 380 plus 50 on an angle of thirty degrees from a right angle. The clearance from surface of highway to lowest part of bridge carrying the railroad shall be twelve and one-half feet. The clear width of this undercrossing shall be twenty-four feet. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with a plan dated March 7, 1906, now on file with this Board in this matter. The new piece of highway shall have a roadbed twenty-two feet

wide and the method of construction of said new piece of highway must meet with the approval of the State Engineer.

A-4. The highway from Otisville to Middletown, crossing the filed center line of Erie and Jersey Railroad near station 485 plus 94.

The highway on its present skew shall be carried under the railroad. The clear width of this undercrossing shall be sixteen feet and the clearance from surface of highway to lowest part of bridge carrying the railroad shall be twelve feet.

A-5. The highway between Otisville and Howells, crossing the filed center line of Erie and Jersey Railroad near station 502.

The highway shall be carried under the railroad at a point shown on a plan dated March 2, 1906, now on file with this Board in this matter. The clear width of this undercrossing shall be thirty feet. The clearance from surface of highway to lowest part of keystone of arch carrying the railroad shall be fourteen feet. Pieces of existing highway shall be abandoned and new pieces of highway shall be constructed in accordance with said plan dated March 2, 1906.

A-6. The highway from Otisville to Howells, crossing the filed center line of Erie and Jersey Railroad near station 544 plus 26.

The highway shall be carried over the railroad on a steel bridge eighteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall be constructed on such a skew as will keep it on the present line of the highway. The bridge shall have a wooden floor.

A-7. The crossroad near Shawangunk Kill from main highway between Otisville and Howells, crossing filed center line of Erie and Jersey Railroad near station 560 plus 52.

The highway shall be carried over the railroad on a steel bridge sixteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall be constructed on the present line of the highway. The bridge shall have a wooden floor.

Town of Hamptonburg.

A-8. The highway leading from Campbell Hall to Hamptonburg, crossing filed center line of Erie and Jersey Railroad near station 1400.

The highway shall be carried over the railroad at a point shown on a plan dated November 6, 1905, now on file with this Board in this matter on a steel bridge, sixteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty feet wide. A piece of existing highway shall be abandoned and new pieces of highway shall be constructed in accordance with said plan dated November 6, 1905.

A-9. The highway from Girard station to Burnside station, crossing filed center line of Erie and Jersey Railroad near station 1454.

The highway shall be carried under the railroad on the present line of the highway as shown on a plan dated November 6, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be eighteen feet. The clearance from surface of highway to lowest part of keystone of arch carrying the railroad shall be sixteen feet.

A-10. The highway from Burnside station to Lincolndale, crossing filed center line of Erie and Jersey Railroad near station 1509.

The highway shall be carried under the railroad on the present line of the highway. The clear width of this undercrossing shall be twenty-four feet. The clearance from surface of highway to lowest part of keystone of twenty-four foot arch carrying the railroad shall be sixteen feet.

A-11. The highway from Rocklet to Lincolndale, crossing the filed center line of Erie and Jersey Railroad near station 1533.

and

A-12. The highway at or near station 1542, crossing filed center line of Erie and Jersey Railroad.

The highway numbered A-11 shall be carried under the railroad at a point shown on a plan dated August 15, 1906, now on file with this Board in this matter. The clear width of roadway under forty foot arch carrying railroad shall be twenty feet. The clearance from surface of highway to lowest part of bridge carrying the railroad shall be sixteen feet. The highway as it approaches this undercrossing shall be twenty feet wide, and there shall be a guard-rail constructed on said approaches adjoining the Otter Kill. The highway numbered A-12 shall be abandoned for the portion of its length shown on said plan dated August 15, 1906, a new piece of highway which connects with this proposed undercrossing having been constructed as shown on said plan.

B-20. The highway from Campbell Hall to LaGrange, crossing the filed center line of Erie and Jersey Railroad near station 1228 plus 30.

The highway shall be carried under the railroad near station 1230 of the filed center line of Erie and Jersey Railroad, the exact point to be located by the State Engineer, in a twenty-five foot arch, with a clearance of sixteen feet from surface of highway to the lowest part of keystone of arch. Pieces of highway shall be abandoned and a new piece of highway constructed as to be laid out by the State Engineer.

B-21. The highway from Hamptonburg to Campbell Hall, crossing the filed center line of Erie and Jersey Railroad near station 1296 plus 29.

The highway shall be carried over the railroad at a point shown on a plan dated April 30, 1906, now on file with this Board in this matter, on a steel bridge, eighteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty feet wide. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan dated April 30, 1906.

Town of Blooming Grove.

A-13. The highway from Washingtonville to Lincolndale. Filed center line of Erie and Jersey Railroad crosses and follows same from station 1587 to town line between town of Blooming Grove and town of New Windsor.

At this point pieces of highway shall be abandoned and a new piece of highway shall be constructed to avoid crossings in accordance with a plan dated March 8, 1906, now on file with this Board in this matter, said plan also covering A-14 in the town of New Windsor. This plan also shows pieces of private roads to be constructed.

Town of New Windsor.

A-14. The highway from Washingtonville to Lincolndale. Filed center line of Erie and Jersey Railroad crosses and follows same from town line between town of Blooming Grove and town of New Windsor to station 1608.

At this point a piece of highway shall be abandoned and a new piece of highway shall be constructed to avoid a crossing in accordance with a plan dated March 8, 1906, now on file with this Board in this matter, said plan also covering A-13 in the town of Blooming Grove.

A-15. The highway from Washingtonville to Little Britain, crossing filed center line of Erie and Jersey Railroad near station 1628 plus 72.

The highway shall be carried over the railroad on a steel bridge eighteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall be constructed on such a skew as will keep it on the present line of the highway. The bridge shall have a wooden floor. The roadway of the approaches to the bridge shall be twenty-two feet wide.

A-16. The highway from Washingtonville to Little Britain, crossing filed center line of Erie and Jersey Railroad near station 1687.

The highway shall be carried under the railroad at a point shown on a plan dated November 6, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be eighteen feet. The clearance from surface of highway to lower portion of keystone of eighteen foot arch carrying railroad shall be seventeen feet. Slight changes in the highway at this undercrossing shall be made in accordance with said plan dated November 6, 1905.

A-17. The highway from Salisbury Mills to Little Britain, crossing filed center line of Erie and Jersey Railroad near station 1718.

The highway shall be carried under the railroad at a point shown on a plan dated November 6, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be eighteen feet. The clearance from surface of highway to lowest part of keystone of eighteen foot arch carrying the railroad shall be sixteen feet. Slight changes in the highway at and in this undercrossing shall be made in accordance with said plan dated November 6, 1905.

A-18. The highway running north from Salisbury Mills, crossing filed center line of Erie and Jersey Railroad near station 1755.

The highway shall be carried over the railroad on a steel bridge eighteen feet wide between wheel-guards on the present line of the highway with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadway of the approaches to the bridge shall be twenty-two feet wide with guard rail if the fill is over three feet.

Town of Cornwall.

A-19. The highway of Washingtonville to Newburgh, crossing filed center line of Erie and Jersey Railroad near station 1880 plus 86½.

The highway shall be carried under the railroad at a point shown on a plan dated November 21, 1905, now on file with this Board in this matter. The clear width of the undercrossing shall be twenty-five feet. The clearance from surface of highway to bottom of keystone of arch carrying the railroad shall be twenty feet. Pieces of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan dated November 21, 1905.

A-20. The highway from Salisbury Mills to Cornwall, crossing filed center line of Erie and Jersey Railroad near station 1897 plus 68.

The highway shall be carried under the railroad at a point shown on a plan dated November 20, 1905, now on file with this Board in this matter. The railroad at this point is to be on a viaduct more than one hundred feet high. The supports of said viaduct on each side of the highway at this undercrossing shall be at least twenty-five feet from the center of the highway. The highway shall be slightly changed at this point.

A-21. The highway from Salisbury Mills to Mountainville, crossing filed center line of Erie and Jersey Railroad near station 1913 plus 61.

The highway shall be carried under the railroad at a point shown on a plan dated November 20, 1905, now on file with this Board in this matter. The railroad at this point is to be on a viaduct more than one hundred feet high. The supports of said viaduct on each side of the highway at this undercrossing shall be at least twenty-five feet from the center of the highway. The highway shall be slightly changed at this point.

Town of Woodbury.

A-22. The highway at Woodbury station, crossing filed center line of Erie and Jersey Railroad near station 2158 plus 32.

The highway shall be carried under the railroad at a point shown on a plan dated November 20, 1905, now on file with this Board in this matter. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan dated November 20, 1905.

A-23. The highway at Highland Mills station, crossing filed center line of Erie and Jersey near station 2245.

This Board hereby determines under section 60 of the Railroad Law that the manner in which the Erie and Jersey Railroad shall cross the following named highways (the numbers corresponding to the numbers in the public notice of hearing) in the town of Wallkill, Orange county, shall be as follows: this Board also hereby determines under section 60 of the Railroad Law that changes in and abandonment of highways shall be made as herein-after set forth, to wit:

Town of Wallkill.

B-1. The highway from Howells to Fair Oaks station, crossing the filed center line of the Erie and Jersey Railroad near station 615 plus 30; and

B-2. The highway between Middletown and Little Shawangunk Kill, near station 617 plus 75.

The highway to be carried over the tracks of the Erie and Jersey Railroad and the Erie Railroad on a steel structure eighteen feet wide, of solid floor construction; in accordance with plan submitted by the Erie Company, dated March 6, 1906, now on file with the Board; and that the highway be changed and abandoned in accordance with such plan.

B-3. The highway from Rockville to Howells, crossing the filed center line of the Erie and Jersey Railroad near station 695 plus 24.

The highway to be carried over the line of the Erie and Jersey Railroad and Erie Railroad, upon an extension of the present structure which carries the highway over the Erie Railroad. The company agrees that whenever the present structure shall need renewing, it shall be done by the erection of a steel bridge sixteen feet wide, with a wooden floor, at the expense of the railroad company, and without expense to the town.

B-4. The highway from Rockville to Pilgrim Corners, crossing the filed center line of the Erie and Jersey Railroad near station 738 plus 06.

The highway to be carried over the tracks of the Erie and Jersey Railroad near station 738 upon a steel structure sixteen feet wide, with a wooden floor, and the highway to be abandoned and changed as shown on the plan submitted to the Board, dated March 16, 1906, now on file with the Board.

B-5. The highway between Middletown and Rockville, crossing the filed center line of the Erie and Jersey Railroad near station 790 plus 75.

The crossing at this point crosses the Middletown and Bloomburg plank road. The plank road is to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, twenty feet in width, with a wooden floor. B-5 and B-6 should be considered together.

B-6. The branch road from main highway Middletown to Rockville, crossing through filed center line of the Erie and Jersey Railroad near station 795 plus 36.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon the same structure that the plank road is carried over on, according to plan dated March 16, 1906, now on file with the Board, and that the highway be changed and abandoned in accordance with such plan. B-5 and B-6 should be considered together.

B-7. The highway from Rockville to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 809 plus 50.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel bridge sixteen feet wide, with a wooden floor, and in accordance with the plan dated March 15, 1906, now on file with the Board, and the highway to be changed and abandoned as shown upon said plan.

B-8. The highway from Middletown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 835 plus 89, known as Sand's crossing.

The highway to be carried over the line of the Erie and Jersey Railroad upon a steel bridge sixteen feet wide, of solid floor construction, of the same character as adopted by the State Engineer on State roads. The proposed change and abandonment of road to be made as shown on the plan now on file with the Board dated June 4, 1906.

B-9. The highway from Middletown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 852 plus 73.

The highway to be carried under the tracks of the Erie and Jersey Railroad with an opening of eighteen feet in width, and the clearance to be twelve feet, with a square headroom. The proposed change of road and abandonment of same to be made in accordance with plan dated March 14, 1906, now on file with the Board.

B-10. The highway from Mechanicstown to Rockville, crossing the filed center line of the Erie and Jersey Railroad near station 883 plus 83.5.

The highway to be carried under the tracks of the Erie and Jersey Railroad near station 887. The width of the opening to be twenty feet, with a clearance in the center of fourteen feet; in accordance with plans this day filed (August 15, 1906) and now on file with the Board, which are substituted for those dated March 13, 1906. The proposed change of road and proposed abandonment of road to be made as shown on plan dated August 9, 1906, now on file with the Board. The Erie and Jersey Railroad Company, by its authorized representatives, agreed that in consideration of the building by the town of the bridge over Bull Hack Run, being a part of the new highway to be constructed by the Erie and Jersey Railroad Company, in accordance with said plan, that it, the Erie and Jersey Railroad Company, will pay to the town of Wallkill the sum of \$800; and stipulated that the order of the Board of Railroad Commissioners should approve of such payment in the event of such bridge being built by said town.

B-11. The Middletown and Montgomery turnpike, crossing the filed center line of the Erie and Jersey Railroad near station 912 plus 88.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, twenty feet wide, of solid floor construction of the same character as adopted by the State Engineer in the case of State roads, in accordance with plan filed with the Board, dated March 9, 1906, and now on file with the Board. In this connection we think possible that the railroad may agree with the State Engineer on some charge which will make the grade better; but this determination is made now according to this petition, and with the understanding that the railroad company shall file with the Board, any additional plan that may be agreed upon between the State Engineer and the Company.

B-12. The highway from Mechanicstown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 968 plus 30.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, sixteen feet wide, with a wooden floor. The change of road and abandonment of road to be made in accordance with plan dated March 12, 1906, now on file with the Board.

B-14. The highway station 1038 plus 75, near which point it crosses the filed center line of the Erie and Jersey Railroad, and

B-15. The highway near station 1046 plus 07, near which point it crosses the filed center line of the Erie and Jersey Railroad.

This highway to be carried under the tracks of the Erie and Jersey Railroad with a width of twenty-four feet, and a clearance of twelve feet, and the angle of crossing thirty degrees from a right angle; the center of the new road shall be seventy-five feet from center line of Erie and Jersey Railroad. The proposed change of road and proposed abandonment of road to be made in accordance with plan now on file with the Board and dated March 8, 1906, except as changed hereby. Should the town desire to change the plan as filed with the Board by the construction of a new highway through the lands of Alanson Slaughter estate, Eugene Slaughter and Samuel G. Stage, relieving the railroad company from constructing a road on the easterly side of its tracks from the road known as the "Slaughter Road," northerly from the proposed State road, the Erie and Jersey Railroad Company shall pay the highway commission of the town of Wallkill \$500 toward the cost of the construction thereof; the said Erie and Jersey Railroad Company having by its authorized representatives appeared before the Board and consented to the making of such changes.

B-16. The highway near station 1079 plus 66, near which point it crosses the filed center line of the Erie and Jersey Railroad.

This Board hereby determines under section 60 of the Railroad Law that the manner in which the Erie and Jersey Railroad shall cross the following named highways (the numbers corresponding to the numbers in the public notice of hearing) in the town of Wallkill, Orange county, shall be as follows: this Board also hereby determines under section 60 of the Railroad Law that changes in and abandonment of highways shall be made as hereinafter set forth, to wit:

Town of Wallkill.

B-1. The highway from Howells to Fair Oaks station, crossing the filed center line of the Erie and Jersey Railroad near station 615 plus 36; and

B-2. The highway between Middletown and Little Shawangunk Kill, near station 617 plus 75.

The highway to be carried over the tracks of the Erie and Jersey Railroad and the Erie Railroad on a steel structure eighteen feet wide, of solid floor construction; in accordance with plan submitted by the Erie Company, dated March 6, 1906, now on file with the Board; and that the highway be changed and abandoned in accordance with such plan.

B-3. The highway from Rockville to Howells, crossing the filed center line of the Erie and Jersey Railroad near station 695 plus 24.

The highway to be carried over the line of the Erie and Jersey Railroad and Erie Railroad, upon an extension of the present structure which carries the highway over the Erie Railroad. The company agrees that whenever the present structure shall need renewing, it shall be done by the erection of a steel bridge sixteen feet wide, with a wooden floor, at the expense of the railroad company, and without expense to the town.

B-4. The highway from Rockville to Pilgrim Corners, crossing the filed center line of the Erie and Jersey Railroad near station 738 plus 06.

The highway to be carried over the tracks of the Erie and Jersey Railroad near station 738 upon a steel structure sixteen feet wide, with a wooden floor, and the highway to be abandoned and changed as shown on the plan submitted to the Board, dated March 16, 1906, now on file with the Board.

B-5. The highway between Middletown and Rockville, crossing the filed center line of the Erie and Jersey Railroad near station 790 plus 75.

The crossing at this point crosses the Middletown and Bloomburg plank road. The plank road is to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, twenty feet in width, with a wooden floor. B-5 and B-6 should be considered together.

B-6. The branch road from main highway Middletown to Rockville, crossing through filed center line of the Erie and Jersey Railroad near station 795 plus 36.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon the same structure that the plank road is carried over on, according to plan dated March 16, 1906, now on file with the Board, and that the highway be changed and abandoned in accordance with such plan. B-5 and B-6 should be considered together.

B-7. The highway from Rockville to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 809 plus 50.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel bridge sixteen feet wide, with a wooden floor, and in accordance with the plan dated March 15, 1906, now on file with the Board, and the highway to be changed and abandoned as shown upon said plan.

B-8. The highway from Middletown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 835 plus 89, known as Sand's crossing.

The highway to be carried over the line of the Erie and Jersey Railroad upon a steel bridge sixteen feet wide, of solid floor construction, of the same character as adopted by the State Engineer on State roads. The proposed change and abandonment of road to be made as shown on the plan now on file with the Board dated June 4, 1906.

B-9. The highway from Middletown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 852 plus 73.

The highway to be carried under the tracks of the Erie and Jersey Railroad with an opening of eighteen feet in width, and the clearance to be twelve feet, with a square headroom. The proposed change of road and abandonment of same to be made in accordance with plan dated March 14, 1906, now on file with the Board.

B-10. The highway from Mechanicstown to Rockville, crossing the filed center line of the Erie and Jersey Railroad near station 883 plus 83.5.

The highway to be carried under the tracks of the Erie and Jersey Railroad near station 887. The width of the opening to be twenty feet, with a clearance in the center of fourteen feet; in accordance with plans this day filed (August 15, 1906) and now on file with the Board, which are substituted for those dated March 13, 1906. The proposed change of road and proposed abandonment of road to be made as shown on plan dated August 9, 1906, now on file with the Board. The Erie and Jersey Railroad Company, by its authorized representatives, agreed that in consideration of the building by the town of the bridge over Bull Hack Run, being a part of the new highway to be constructed by the Erie and Jersey Railroad Company, in accordance with said plan, that it, the Erie and Jersey Railroad Company, will pay to the town of Wallkill the sum of \$800; and stipulated that the order of the Board of Railroad Commissioners should approve of such payment in the event of such bridge being built by said town.

B-11. The Middletown and Montgomery turnpike, crossing the filed center line of the Erie and Jersey Railroad near station 912 plus 88.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, twenty feet wide, of solid floor construction of the same character as adopted by the State Engineer in the case of State roads, in accordance with plan filed with the Board, dated March 9, 1906, and now on file with the Board. In this connection we think possible that the railroad may agree with the State Engineer on some charge which will make the grade better; but this determination is made now according to this petition, and with the understanding that the railroad company shall file with the Board, any additional plan that may be agreed upon between the State Engineer and the Company.

B-12. The highway from Mechanicstown to Scotchtown, crossing the filed center line of the Erie and Jersey Railroad near station 968 plus 30.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, sixteen feet wide, with a wooden floor. The change of road and abandonment of road to be made in accordance with plan dated March 12, 1906, now on file with the Board.

B-14. The highway station 1038 plus 75, near which point it crosses the filed center line of the Erie and Jersey Railroad, and

B-15. The highway near station 1046 plus 07, near which point it crosses the filed center line of the Erie and Jersey Railroad.

This highway to be carried under the tracks of the Erie and Jersey Railroad with a width of twenty-four feet, and a clearance of twelve feet, and the angle of crossing thirty degrees from a right angle; the center of the new road shall be seventy-five feet from center line of Erie and Jersey Railroad. The proposed change of road and proposed abandonment of road to be made in accordance with plan now on file with the Board and dated March 8, 1906, except as changed hereby. Should the town desire to change the plan as filed with the Board by the construction of a new highway through the lands of Alanson Slaughter estate, Eugene Slaughter and Samuel G. Stage, relieving the railroad company from constructing a road on the easterly side of its tracks from the road known as the "Slaughter Road," northerly from the proposed State road, the Erie and Jersey Railroad Company shall pay the highway commission of the town of Wallkill \$500 toward the cost of the construction thereof; the said Erie and Jersey Railroad Company having by its authorized representatives appeared before the Board and consented to the making of such changes.

B-16. The highway near station 1079 plus 66, near which point it crosses the filed center line of the Erie and Jersey Railroad.

The highway to be carried over the Erie and Jersey Railroad upon a steel structure, twenty feet wide, with a solid floor, the same character as adopted by the State Engineer in case of State roads. The proposed change and abandonment of road to be made in accordance with the plan dated March 9, 1906, now on file with the Board.

B-17. The highway running north from Stony Ford station, crossing the filed center line of the Erie and Jersey Railroad near stations 1119 plus 76 and 1121 plus 72, and follows same between such stations.

The highway to be carried under the tracks of the Erie and Jersey Railroad with an opening of eighteen feet in width, and a clearance of twelve feet, square headroom; the highway to be changed and abandoned as shown on plan dated March 19, 1906, now on file with the Board.

B-18. The highway near station 1144 plus 60, crossing the filed center line of the Erie and Jersey Railroad and follows same to station 1146 plus 45.

The change of road and abandonment of road to be made in accordance with plan dated March 22, 1906, now on file with the Board to avoid a crossing.

B-19. The highway running east from Stony Ford station, near station 1167 plus 69.

The highway to be carried over the tracks of the Erie and Jersey Railroad upon a steel structure, eighteen feet wide, with a wooden floor, in accordance with plan dated March 22, 1906, now on file with the Board.

These crossings are under construction. See two determinations immediately following. (Grade Crossing Case No. 600.)

LXXX.

IN THE MATTER OF THE APPLICATION OF THE ERIE AND JERSEY RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN ORANGE COUNTY.

Determination. October 30, 1906.

Appearances: G. F. Brownell, George N. Orcutt and H. A. Taylor, attorneys, F. L. Stuart, chief engineer, and C. K. Conard, assistant engineer, appeared for the applicant. William B. Royce for the county of Orange. W. L. Dickerson, attorney, George W. Crist, supervisor, and Robert R. White, highway commissioner, for the town of Hamptonburg. Roderick Robertson, attorney, Charles Loomis, supervisor, John N. Graham, G. Emmett Writer and J. E. Ketcham, highway commissioners, for the town of Mount Hope. A. H. F. Seeger, attorney, Edward J. Collin, attorney, Walter Denniston, supervisor, and Patrick Murphy, highway commissioner, for the town of New Windsor. C. E. & S. M. Cuddeback (C. E. Cuddeback appearing), for the highway commissioners of the town of Deer Park; W. H. Nearpass, supervisor, and C. J. Van Inwegen, highway commissioner, also appeared. H. W. Chadayne, supervisor, and John F. Thurston, highway commissioner, for the town of Cornwall. Alex. Thompson and Mr. Hunter, highway commissioner, for the town of Woodbury. W. H. Brewster, supervisor, for the town of Blooming Grove. F. M. Williams, C. E., for the State Engineer and Surveyor.

This application, by the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, was filed with this Board on June 20, 1906. The applicant asks the Board to determine the manner in which its railroad (now being constructed) shall cross streets, avenues or highways in the towns of Deer Park, Mount Hope, Wallkill, Hamptonburg, Blooming Grove, New Windsor, Cornwall and Woodbury, in Orange county, which (except those in the town of Wallkill) are hereinafter described. A public hearing on this application, after notice as required by the statute, was held by this Board in the village of Goshen on July 12. Subsequently and on August 15 a conference was held before Commissioner Baker of this Board in

Middletown as to the proposed crossings in the town of Wallkill, at which the company and the town were represented, and at which a stipulation was entered into between the company and the town as to the proposed crossings in that town, except crossing numbered B-13 in the public notice of hearing. In accordance with said stipulation this Board on September 11 determined how the crossings (except B-13) in the town of Wallkill should be made. on September 13 a further hearing was held in Goshen before Commissioners Dickey and Rockwell of this Board in relation to the crossings in the towns other than Wallkill and in relation to crossing numbered B-13 in Wallkill; and in Middletown September 27 the same Commissioners gave a further hearing in regard to crossings numbered B-13, B-20 and A-1, B-13 being in the town of Wallkill; B-20 being in the town of Hamptonburg; A-1 being in the town of Mount Hope. On October 30 a further hearing was given by the Board in New York city in relation to crossings A-19 in the town of Cornwall, A-5 and A-3 in the town of Mount Hope, A-9, A-10, A-11, A-12 and B-20 in the town of Hamptonburg, A-16, A-17 and A-18 in the town of New Windsor, A-2 in the town of Deer Park, and B-13 in the town of Wallkill.

The hearing in the matter of the crossings referred to in this determination was not closed until the date hereof. This determination includes all of the crossings named in the application and in the public notice of hearing, except the crossings in the town of Wallkill named in the determination of September 11 and except crossings B-13 and A-1, as to which there will be a determination or determinations in the future.

The manner in which the crossings hereinafter named are to be made was agreed upon between the towns and the company at the hearings, except that in the instance of crossings A-8, A-15 and B-21 the town wants the bridge to have a solid floor (stone) construction and this determination is that it shall be wooden, and in the instance of crossing A-5 the town objects to the change of highway named in this determination; also that this Board adopts the height of twenty-two feet above top of rail of the railroad for overhead bridges carrying highways; also that in the case of B-21 the company stated that the width of bridge should be sixteen feet, whereas the town asked for a width of eighteen feet, this determination adopting the eighteen feet width; also, that in two instances, A-6 and A-7, where nothing was said about what the floor of the bridge carrying the highway over the railroad should be, this determination provides for wooden floors.

The crossings are forty-four in number. Determination as to eighteen of these (in the town of Wallkill) have already been made. This determination includes twenty-four, leaving the two hereinbefore named yet to be determined. Crossings B-1, B-2, B-3 and B-4 are in the town of Wallkill, instead of in the town of Mount Hope as stated in the petition and the public notice of hearing, but the town of Wallkill waived this mistake in the notice by its action in stipulating how the crossings should be made, as stated in the determination of September 11. The entire forty-four crossings are to be under or over the grade of the railroad.

At the first hearing various objections were raised by the towns; such as to the width of the proposed undercrossings and bridges; to a plank floor on bridges instead of a stone floor; as to changes in certain highways in making approaches to the crossings. While nearly all of these objections were subsequently met by agreement, as stated above, a few of them remain, and it is important that they should be referred to here not only for this case but as a precedent for others to come.

It was urged by representatives of towns that this Board cannot determine that changes in the highways shall be made. We do not agree to this. It seems to us that when the legislature made it our duty to determine how new steam railroads shall cross highways, it lodged with us the power, as well as the duty, to determine that changes in highways necessary to properly carry into effect the new policy of the State should be made. The legislature undoubtedly considered that there would be cases where it would be impracticable to make a crossing under or over grade without changing

the highway, as it considered that there would be cases where it would be impracticable to make the crossing other than at grade. There may well be cases where, unless the highway be changed, it would be impracticable for the crossing to be made otherwise than at grade. But in such a case it would not be contended that we would be justified in allowing a grade crossing when by a change of the highway it could be made under or over grade. A reading of section 11 of the Railroad Law (in relation to the intersection of highways by steam railroads) confirms us in the belief that the legislature, with that section in mind meant to provide further State superintendence and direction of changes in highways proposed to be crossed by new steam railroads. That this was the intention of the legislature in regard to new highways crossing existing steam railroads has been determined by the Court of Appeals (158 N. Y. 410) in its consideration of chapter 62 of the Laws of 1853 and section 61 of the Railroad Law. We think the statement of the court, that "The latter act (section 61) radically altered the procedure by which highways are to be carried across railroad tracks, a change of procedure made necessary by the radical change in the public policy of the State looking towards the ultimate abolition of the crossing of highways at grade by the tracks of steam railroads," appropriately applies to section 60. The changes in highways which we hereinafter determine shall be made are reasonable, practicable and safe and should be made, even though, perhaps, the under or over structure could be built (on a different plan) without a change in the highway.

For similar reasons we also believe that the legislature in section 60 conferred power on this Board to determine what the height, width, material, etc., of the structures at such crossings should be.

This Board hereby determines, under section 60 of the Railroad Law, that the manner in which the Erie and Jersey Railroad shall cross the following named highways (the numbers corresponding to the numbers in the public notice of hearing) in towns in Orange county, shall be as follows; this Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of highways shall be made as hereinafter set forth, to wit:

Town of Deer Park.

A-2. The highway from Otisville to Port Jervis near Station 272 of the filed center line of Erie and Jersey Railroad.

The highway shall be carried over the railroad at a point shown on a plan dated July 11, 1906, now on file with this Board in this matter, on a steel bridge, twenty feet wide between wheel-guards, with a clearance of twenty two feet above top of rail of the railroad. The bridge shall have a solid floor of the same character as that adopted by the State Engineer for State roads. The roadbed of the approaches to the bridge shall be twenty-two feet wide. The bridge shall be on an angle thirty degrees from a right angle to the railroad. Pieces of existing highway shall be abandoned and new pieces of highway shall be constructed in accordance with said plan dated July 11, 1906; rock to be dumped on outside of slope if necessary to assure the permanency of approaches; also suitable railings to be constructed along on each side of the approaches on embankments over three feet in height.

Town of Mount Hope.

A-3. The highway from Otisville to Howells, crossing the filed center line of Erie and Jersey Railroad near station 370 plus 72.

The highway shall be carried under the railroad and shall pass under the railroad near station 380 plus 50 on an angle of thirty degrees from a right angle. The clearance from surface of highway to lowest part of bridge carrying the railroad shall be twelve and one-half feet. The clear width of this undercrossing shall be twenty-four feet. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with a plan dated March 7, 1906, now on file with this Board in this matter. The new piece of highway shall have a roadbed twenty-two feet

wide and the method of construction of said new piece of highway must meet with the approval of the State Engineer.

A-4. The highway from Otisville to Middletown, crossing the filed center line of Erie and Jersey Railroad near station 485 plus 94.

The highway on its present skew shall be carried under the railroad. The clear width of this undercrossing shall be sixteen feet and the clearance from surface of highway to lowest part of bridge carrying the railroad shall be twelve feet.

A-5. The highway between Otisville and Howells, crossing the filed center line of Erie and Jersey Railroad near station 502.

The highway shall be carried under the railroad at a point shown on a plan dated March 2, 1906, now on file with this Board in this matter. The clear width of this undercrossing shall be thirty feet. The clearance from surface of highway to lowest part of keystone of arch carrying the railroad shall be fourteen feet. Pieces of existing highway shall be abandoned and new pieces of highway shall be constructed in accordance with said plan dated March 2, 1906.

A-6. The highway from Otisville to Howells, crossing the filed center line of Erie and Jersey Railroad near station 544 plus 26.

The highway shall be carried over the railroad on a steel bridge eighteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall be constructed on such a skew as will keep it on the present line of the highway. The bridge shall have a wooden floor.

A-7. The crossroad near Shawangunk Kill from main highway between Otisville and Howells, crossing filed center line of Erie and Jersey Railroad near station 560 plus 52.

The highway shall be carried over the railroad on a steel bridge sixteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall be constructed on the present line of the highway. The bridge shall have a wooden floor.

Town of Hamptonburg.

A-8. The highway leading from Campbell Hall to Hamptonburg, crossing filed center line of Erie and Jersey Railroad near station 1400.

The highway shall be carried over the railroad at a point shown on a plan dated November 6, 1905, now on file with this Board in this matter on a steel bridge, sixteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty feet wide. A piece of existing highway shall be abandoned and new pieces of highway shall be constructed in accordance with said plan dated November 6, 1905.

A-9. The highway from Girard station to Burnside station, crossing filed center line of Erie and Jersey Railroad near station 1454.

The highway shall be carried under the railroad on the present line of the highway as shown on a plan dated November 6, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be eighteen feet. The clearance from surface of highway to lowest part of keystone of arch carrying the railroad shall be sixteen feet.

A-10. The highway from Burnside station to Lincolndale, crossing filed center line of Erie and Jersey Railroad near station 1509.

The highway shall be carried under the railroad on the present line of the highway. The clear width of this undercrossing shall be twenty-four feet. The clearance from surface of highway to lowest part of keystone of twenty-four foot arch carrying the railroad shall be sixteen feet.

A-11. The highway from Rocklet to Lincolndale, crossing the filed center line of Erie and Jersey Railroad near station 1533.

and

A-12. The highway at or near station 1542, crossing filed center line of Erie and Jersey Railroad.

The highway numbered A-11 shall be carried under the railroad at a point shown on a plan dated August 15, 1906, now on file with this Board in this matter. The clear width of roadway under forty foot arch carrying railroad shall be twenty feet. The clearance from surface of highway to lowest part of bridge carrying the railroad shall be sixteen feet. The highway as it approaches this undercrossing shall be twenty feet wide, and there shall be a guard-rail constructed on said approaches adjoining the Otter Kill. The highway numbered A-12 shall be abandoned for the portion of its length shown on said plan dated August 15, 1906, a new piece of highway which connects with this proposed undercrossing having been constructed as shown on said plan.

B-20. The highway from Campbell Hall to LaGrange, crossing the filed center line of Erie and Jersey Railroad near station 1228 plus 30.

The highway shall be carried under the railroad near station 1230 of the filed center line of Erie and Jersey Railroad, the exact point to be located by the State Engineer, in a twenty-five foot arch, with a clearance of sixteen feet from surface of highway to the lowest part of keystone of arch. Pieces of highway shall be abandoned and a new piece of highway constructed as to be laid out by the State Engineer.

B-21. The highway from Hamptonburg to Campbell Hall, crossing the filed center line of Erie and Jersey Railroad near station 1296 plus 29.

The highway shall be carried over the railroad at a point shown on a plan dated April 30, 1906, now on file with this Board in this matter, on a steel bridge, eighteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty feet wide. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan dated April 30, 1906.

Town of Blooming Grove.

A-13. The highway from Washingtonville to Lincolndale. Filed center line of Erie and Jersey Railroad crosses and follows same from station 1587 to town line between town of Blooming Grove and town of New Windsor.

At this point pieces of highway shall be abandoned and a new piece of highway shall be constructed to avoid crossings in accordance with a plan dated March 8, 1906, now on file with this Board in this matter, said plan also covering A-14 in the town of New Windsor. This plan also shows pieces of private roads to be constructed.

Town of New Windsor.

A-14. The highway from Washingtonville to Lincolndale. Filed center line of Erie and Jersey Railroad crosses and follows same from town line between town of Blooming Grove and town of New Windsor to station 1608.

At this point a piece of highway shall be abandoned and a new piece of highway shall be constructed to avoid a crossing in accordance with a plan dated March 8, 1906, now on file with this Board in this matter, said plan also covering A-13 in the town of Blooming Grove.

A-15. The highway from Washingtonville to Little Britain, crossing filed center line of Erie and Jersey Railroad near station 1628 plus 72.

The highway shall be carried over the railroad on a steel bridge eighteen feet wide between wheel-guards, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall be constructed on such a skew as will keep it on the present line of the highway. The bridge shall have a wooden floor. The roadway of the approaches to the bridge shall be twenty-two feet wide.

A-16. The highway from Washingtonville to Little Britain, crossing filed center line of Erie and Jersey Railroad near station 1687.

The highway shall be carried under the railroad at a point shown on a plan dated November 6, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be eighteen feet. The clearance from surface of highway to lower portion of keystone of eighteen foot arch carrying railroad shall be seventeen feet. Slight changes in the highway at this undercrossing shall be made in accordance with said plan dated November 6, 1905.

A-17. The highway from Salisbury Mills to Little Britain, crossing filed center line of Erie and Jersey Railroad near station 1718.

The highway shall be carried under the railroad at a point shown on a plan dated November 6, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be eighteen feet. The clearance from surface of highway to lowest part of keystone of eighteen foot arch carrying the railroad shall be sixteen feet. Slight changes in the highway at and in this undercrossing shall be made in accordance with said plan dated November 6, 1905.

A-18. The highway running north from Salisbury Mills, crossing filed center line of Erie and Jersey Railroad near station 1755.

The highway shall be carried over the railroad on a steel bridge eighteen feet wide between wheel-guards on the present line of the highway with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadway of the approaches to the bridge shall be twenty-two feet wide with guard rail if the fill is over three feet.

Town of Cornwall.

A-19. The highway of Washingtonville to Newburgh, crossing filed center line of Erie and Jersey Railroad near station 1880 plus 96½.

The highway shall be carried under the railroad at a point shown on a plan dated November 21, 1905, now on file with this Board in this matter. The clear width of the undercrossing shall be twenty-five feet. The clearance from surface of highway to bottom of keystone of arch carrying the railroad shall be twenty feet. Pieces of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan dated November 21, 1905.

A-20. The highway from Salisbury Mills to Cornwall, crossing filed center line of Erie and Jersey Railroad near station 1897 plus 68.

The highway shall be carried under the railroad at a point shown on a plan dated November 20, 1905, now on file with this Board in this matter. The railroad at this point is to be on a viaduct more than one hundred feet high. The supports of said viaduct on each side of the highway at this undercrossing shall be at least twenty-five feet from the center of the highway. The highway shall be slightly changed at this point.

A-21. The highway from Salisbury Mills to Mountainville, crossing filed center line of Erie and Jersey Railroad near station 1913 plus 61.

The highway shall be carried under the railroad at a point shown on a plan dated November 20, 1905, now on file with this Board in this matter. The railroad at this point is to be on a viaduct more than one hundred feet high. The supports of said viaduct on each side of the highway at this undercrossing shall be at least twenty-five feet from the center of the highway. The highway shall be slightly changed at this point.

Town of Woodbury.

A-22. The highway at Woodbury station, crossing filed center line of Erie and Jersey Railroad near station 2158 plus 32.

The highway shall be carried under the railroad at a point shown on a plan dated November 20, 1905, now on file with this Board in this matter. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan dated November 20, 1905.

A-23. The highway at Highland Mills station, crossing filed center line of Erie and Jersey near station 2245.

The highway shall be carried under the railroad at a point shown on a plan dated December 8, 1905, now on file with this Board in this matter. The clear width of this undercrossing shall be twenty-eight feet. The clearance from surface of highway to lowest part of bridge carrying the railroad shall be twelve and one-half feet. A piece of existing highway shall be abandoned and new piece of highway shall be constructed in accordance with said plan dated December 8, 1905.

These crossings are under construction. See determinations immediately preceding and following. (Grade Crossing Case No. 600.)

LXXXI.

IN THE MATTER OF THE APPLICATION OF THE ERIE AND JERSEY RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN ORANGE COUNTY.

Determination as to crossing B-13 in the town of Wallkill. November 8, 1906.

Appearances: G. F. Brownell, G. N. Orcutt and H. A. Taylor, attorneys, F. L. Stuart, C. E., and C. K. Conard, Assistant C. E., for the applicant; William B. Royce for the county of Orange and for the town of Wallkill; Charles A. Evans, David W. Shaw and John J. Crane, also appeared for the town of Wallkill and for the highway commissioners of said town; Doctor A. C. Santee, Mrs. Emma H. Ireland, G. W. Ackerly and William F. Brown appeared in relation to this crossing B-13; F. H. Williams, C. E., for the State Engineer and Surveyor.

This application by the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, was filed with this Board on June 20, 1906. Determinations (dated September 11 and October 30, 1906) have been made as to all of the proposed crossings except B-13 in the town of Wallkill and A-1 in the town of Mt. Hope, and this determination leaves but A-1 to be determined in the future. We refer to said determinations. The hearing in the matter of this crossing was not closed until the date hereof.

This board hereby determines under section 60 of the Railroad Law, that the manner in which the Erie and Jersey Railroad shall cross the following named highways (the number corresponding to the number in the public notice of hearing) in the town of Wallkill, Orange county, shall be as follows:

Town of Wallkill.

B-13. The highway from Goshen to Bloomingburg, crossing the filed center of Erie and Jersey Railroad near station 1020 plus 55.

The highway on its present line shall be carried over the railroad at a point shown on a plan dated March 13, 1906, now on file with this Board in this matter, on a steel bridge twenty feet wide between wheel-guards with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-two feet wide and there shall be guard-rails on the approaches where the fill is over three feet.

This crossing is under construction. See the two determinations immediately preceding. (Grade Crossing Case No. 600.)

LXXXII.

IN THE MATTER OF THE PETITION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF HORNELLSVILLE (NOW HORNELL), UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CANISTEO STREET GRADE CROSSING OF THE ERIE RAILROAD IN SAID CITY.

Determination. September 17, 1906.

This petition, by the mayor and common council of the city of Hornellsville (now Hornell), under section 62 of the Railroad Law, was filed with this Board on August 16, 1901. It alleges that the Erie Railroad in said city crosses or is crossed by Canistee street at grade, and that public safety requires an alteration in the manner of said crossing and its approaches. A public hearing on the petition, after notice as required by the statute, was held by this Board in Hornellsville on September 3, 1901. R. M. Prangen (an alderman of the city) appeared; S. E. Brown appeared for the Erie Railroad Company; DeMerville Page appeared for the Hornellsville Electric Railway Company and for the Babcock estate, in opposition; Mr. Page also appeared for F. D. Sherwood, in opposition; Mr. Page also entered an appearance for F. H. Robinson (who was not present), in opposition; Frank A. Simmons appeared for the firm of Simmons & Howell, occupying property near the crossing, and also for the owners of said property, in opposition; Lawless Roberts, a property owner, appeared in opposition. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. The adjourned hearing was held in Hornellsville on May 21, 1902, at which Milo M. Acker, city attorney, appeared for the city; J. A. Parsons appeared for residents in favor of the application; G. N. Orcutt and S. E. Brown appeared for the Erie Railroad Company; DeMerville Page appeared for the Hornellsville Electric Railway Company, in opposition; Robbins & Dolson appeared for Charles C. Babcock, for Franklin D. Sherwood and for the Hornell Gas Light Company, in opposition; F. H. Robinson appeared for Harriet B. Schuyler, in opposition. After hearing evidence and arguments the hearing was adjourned indefinitely pending receipt of an application from the city for a further hearing. This application from the city for a further hearing was received by this Board on June 16, 1906, it being in the form of a resolution of the common council approved by the mayor, and a further public hearing in the matter, after notice as required by the statute, was held by this Board in the city of Hornell on August 16, 1906, at which Milo M. Acker, city attorney, appeared for the petitioners; F. H. Robinson, attorney for property owners, appeared in opposition; John R. Sheldon, a property owner, appeared in person, in opposition; S. E. Brown appeared for the Erie Railroad Company. After hearing evidence and arguments on August 16th the hearing was adjourned until September 13th, and held on that date in the city of Hornell, at which Milo M. Acker, city attorney, appeared for the petitioners; S. E. Brown appeared for the Erie Railroad Company; James A. Parsons appeared for certain taxpayers, in favor of the application; Francis M. Cameron appeared for the Coffee estate. The evidence was closed on September 13th, but the matter was held open.

It seems to this Board from the evidence that public safety requires that this crossing should be changed from grade to an undercrossing. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Erie Railroad by Canistee street in the city of Hornell (formerly the city of Hornellsville) shall be changed from grade to an undercrossing of said railroad, and that said street shall cross said railroad in said undercrossing (this proposition also involving the grading of portions of Broad street and Taylor street on the north approach to said undercrossing) substantially as shown by a blue print general plan marked "Applicant's Ex. No. 1, Filed Aug. 16, '06, Hornell, S. P. W. C. C. Case 337," attached to the office original determination in this matter on file in this office.

Plans, specifications and estimated expense for this work have been approved. See 1st vol. R. R. Com. report, 1903, p. 160. (Grade Crossing Case No. 337.)

LXXXIII.

IN THE MATTER OF THE PETITION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE TYRRELL ROAD HIGHWAY GRADE CROSSING OF THE ROME, WATERTOWN AND OGDENSBURG RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) IN THE VILLAGE OF WOLCOTT.

Determination. September 19, 1906.

This petition, by the New York Central and Hudson River Railroad Company (lessee of the Rome, Watertown and Ogdensburg Railroad), under section 62 of the Railroad Law, was filed with this Board on July 10, 1906. It alleges that public safety requires the closing and discontinuance of the Tyrrell road highway grade crossing of the Rome, Watertown and Ogdensburg Railroad in the village of Wolcott, the petition proposing that the travel on said highway grade crossing of said railroad shall be diverted therefrom by the construction of a new piece of highway about three hundred feet long south of, adjacent to and parallel with the railroad, from the Tyrrell road highway to the Eastport Bay Creek road highway and to cross said railroad at the existing grade crossing of said railroad by the Eastport Bay Creek road highway, and asking this Board to so determine. A public hearing on this petition, after notice as required by the statute except that notice was published in but one newspaper at Wolcott,—the Lake Shore News,—was held by this Board in the city of Rochester on September 19, 1906. Harris & Harris (Mr. Beach appearing) appeared for the petitioner; Joel Fanning appeared for the town of Wolcott in favor of the petition; George S. Horton appeared for the village of Wolcott in favor of the petition. After hearing evidence and arguments the hearing was closed. Inasmuch as the notice was published in one newspaper and inasmuch as the village was represented at the hearing in favor of the petition, we do not believe that the failure to publish in two newspapers as set forth in the statute prohibits us from determining this matter after said hearing in Rochester.

It seems to this Board from the evidence, that public safety requires that the prayer of the petitioner should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Rome, Watertown and Ogdensburg Railroad leased to and operated by the New York Central and Hudson River Railroad Company) by the Tyrrell road highway in the village of Wolcott shall be closed and discontinued the travel thereon to be diverted therefrom by the construction of a new piece of highway about three hundred feet long south of, adjacent to and parallel with the railroad, from the Tyrrell road highway to the Eastport Bay Creek road highway and to cross said railroad at the existing grade crossing of said railroad by the Eastport Bay Creek road highway and this Board hereby determines, under section 62 of the Railroad Law, that said new piece of highway shall be constructed. This Board also hereby determines, under section 62 of the Railroad Law, that said Tyrrell road highway grade crossing of the said railroad shall not be closed and discontinued until said new piece of highway is constructed and ready for use by the public.

Plans, specifications and estimate of expense for this work have been approved. (Grade Crossing Case No. 609.)

LXXXIV.

IN THE MATTER OF METAL TROUGHS ON TROLLEY WIRES OF THE SYRACUSE RAPID TRANSIT RAILWAY AT GRADE CROSSINGS OF STEAM RAILROADS.

October 3, 1906.

On September 10, 1906, this Board, on the report of Commissioners Baker and Rockwell, asked the Syracuse Rapid Transit Railway Company (electric)

if it would at once construct metal troughs on its trolley wires at points where its railway crosses steam railroads at grade and where such metal troughs on the trolley wires were not already constructed. The company informed the Board that it would do so, naming the crossings in detail, and the case was closed. The electrical expert is to report as to the completion of this work. (Case No. 3712.)

LXXXV.

IN THE MATTER OF METAL TROUGHS ON TROLLEY WIRES OF THE OLEAN STREET RAILWAY AND THE JAMESTOWN STREET RAILWAY AT GRADE CROSSINGS OF STEAM RAILROADS.

October 3, 1906.

On September 10, 1906, this Board recommended to the Olean Street Railway Company (electric) that it place metal troughs on its trolley wires at the points where its railway crosses at grade the Pennsylvania Railroad (steam) at King street in Olean, and also at points where its railway crossed at grade the River division of the Pennsylvania Railroad in Olean. The company informed the Board that these recommendations would be complied with. On the same date this Board recorded to the Jamestown Street Railway Company that it place metal troughs on its trolley wires at a point where its railway crosses at grade the Jamestown, Chautauqua and Lake Erie Railway (steam), and also at a point where its railway crosses the Erie Railroad, in Jamestown. This company also informed the Board that these recommendations would be complied with. The electrical expert is to report as to the completion of this work. (Case No. 3691.)

LXXXVI.

IN THE MATTER OF THE COMPLAINT OF W. F. STONE AGAINST THE BROOKLYN HEIGHTS RAILROAD COMPANY IN RELATION TO A GRADE CROSSING OF ITS BRIGHTON BEACH DIVISION.

October 3, 1906.

This complaint, by W. F. Stone, of Brooklyn, against the Brooklyn Heights Railroad Company, was filed with this Board on August 13, 1904. It alleged that at the grade crossing of the Brighton Beach division of said company's railroad and the Beverly road highway there was but one flagman and there should be "at least two, if not three." A copy of the complaint was sent to the company, which answered that " * * * We have given this suggestion very careful consideration and conclude that it would be directly against the interests of the public to make any change in the arrangements now in force for the protection of this crossing. It would be — as we believe the Commission will agree — an added element of danger to divide the responsibility of flagging this crossing between two men. We now have an experienced flagman on duty and have issued special instructions to trainmen." A copy of this answer was sent to complainant, who replied, " * * * I quite agree with Mr. Calderwood that the man at the Beverly Road crossing is a good one and now that they have reduced the number of trains one man is sufficient. * * * " A report in the matter was made by the electrical expert of the Board as follows: " * * * There is a flagman stationed at this point at all times during which trains are operated on the Brighton Beach line. Physical or operating conditions would not justify the Board in recommending additional flagman at this point." The case was closed. (Case No. 3679.)

LXXXVII.

IN THE MATTER OF THE COMPLAINT OF S. P. KURZMAN AGAINST THE LONG ISLAND RAILROAD COMPANY AS TO A GRADE CROSSING OF ITS RAILROAD AT CEDARHURST.

October 3, 1906.

This complaint, by S. P. Kurzman against the Brooklyn Heights Railroad Company, was filed with this Board on August 25, 1906. It alleged that a grade crossing of said company's railroad near the station at Cedarhurst was dangerous. Complainant's attention was called to the provisions of section 33 of the Railroad Law, under which the local authorities, upon refusal by a railroad company to station a flagman or erect gates at such a crossing, may apply to the supreme court or the county court for an order that a flagman be stationed or gates erected at such a crossing. However, this Board communicated with the company on the subject, which answered that, " * * * I enclose you herewith for your information a blue print on which is shown this crossing and the range of vision from various points. I also enclose for your information photographs of this crossing. We have no record of there having been any accident at this crossing and as far as it being dangerous, it is no more so than many other grade crossings on the Long Island R. R. We have in mind some future developments in the way of changing the station conditions at Cedarhurst which will undoubtedly improve this grade crossing situation." A copy of this answer was sent to complainant, who did not reply, and the case was closed. (Case No. 3693.)

LXXXVIII.

IN THE MATTER OF THE COMPLAINT OF JAMES J. LAWLESS AS TO A CROSSING.

October 3, 1906.

This complaint, by James J. Lawless, of the town of West Seneca, Erie county, was filed with this Board on August 31, 1906. It was in relation to an overcrossing of the Abbott road highway being constructed by the Lehigh and Lake Erie Railroad Company for its railroad (steam). A report dated September 14, 1906, in the matter was made by the inspector of grade crossings of this Board to the following effect:

" * * * 1st. Top of roadway in subway is above the trolley road tracks; six inches above roadway in terminal subway, and above the bed of the stream into which it is drained.

" 2d. There will be two 12-inch drain pipes to drain the same subway where there was one before. I think the subway will not be flooded.

" 3d. The grades of the approaches have not been increased much, if any.

" 4th. I think when finished the roadway will be well built; as well as before or better and dry."

A copy of this report was sent to complainant, and the case was closed. (Case No. 3708.)

LXXXIX.

IN THE MATTER OF THE COMPLAINT OF B. G. WOODEN AND OTHERS AGAINST THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS TO A HIGHWAY GRADE CROSSING OF ITS RAILROAD.

October 3, 1906.

This complaint, by B. G. Wooden and others, of near Geneva, was filed with this Board on August 28, 1906. It alleges that a crossing at grade of the

Preemption highway by the Pennsylvania division of the New York Central and Hudson River Railroad had been rendered more unsafe by work being done by the company at this point. A report dated September 12, 1906, in the matter was made by the inspector of grade crossings of this Board. A copy of the complaint was sent to the company, which answered. Under date of September 17, 1906, Mr. Wooden informed the Board: "There is no further need of action as they have graded it and by the time it is completed think it will be satisfactory to all." From other correspondence with the company and from the report of the Board's inspector it appeared that the sentiment of the locality was not in favor of changing this crossing from grade. The case was closed. (Case No. 3717.)

XC.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE GRADE CROSSING OF SAID COMPANY'S RAILROAD BY THE GLEN COVE BACK ROAD HIGHWAY IN THE TOWN OF OYSTER BAY, NASSAU COUNTY.

Determination. October 3, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 5, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Glen Cove Back road in the town of Oyster Bay, Nassau county, situated at a point about 2,450 feet easterly (northerly) from the Greenvale station on said railroad, the travel to be diverted to an undercrossing of said railroad proposed to be constructed approximately in the same location as the present crossing. The plan presented with the petition, however, showed that it was proposed that new pieces of highway should be constructed on the easterly and westerly sides of the railroad to an undercrossing proposed to be constructed at a point not far north of the present grade crossing, and the notices of hearing before this Board so described the proposition. A public hearing, after notice as required by the statute, was held by this Board at the Greenvale station on said company's railroad on August 7, 1906. J. R. Savage, C. E., and C. L. Addison appeared for the petitioner; William H. Jones, supervisor, Walter Franklin, James H. Cox, Charles F. Budill and Augustus T. Rensen, justices of the peace, Edward M. Underhill, Frederick W. Hawx and William A. Fingen, highway commissioners, Frank McQueen, town clerk, and George B. Stoddard, counsel, appeared for the town board of the town of Oyster Bay, in favor of eliminating two grade crossings of said railroad under an alternative plan which was produced at this hearing; Halstead Scudder, attorney for the county of Nassau, appeared in favor of the alternative plan. Seamon Brothers appeared for the estate of Willett H. Seamon. Henry V. Condict, attorney for William H. Simonson, a property owner, appeared in opposition and filed a brief. After hearing evidence and arguments the matter was held open. The Board inspected the crossings and locality. The alternative plan provided for the elimination of the Glen Cove Back road crossing and also provided for the closing of the Roslyn road highway grade crossing of the railroad at the Greenvale station, the construction of an undercrossing of the railroad about 500 feet north of the station and the construction of a new piece of highway west of, near to and parallel with the railroad from the Roslyn road highway in a northerly direction to a connection with the Glen Cove Back road highway west of the railroad.

It seems to this Board from the evidence that the changes to be made should be those proposed at the hearing as outlined above. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossings at grade of the Long Island Railroad by highways, one known as the Roslyn

road and the other known as the Glen Cove Back road, in the town of Oyster Bay, Nassau county, the first named crossing being located immediately north of the Greenvale station on said railroad and the second named crossing being located about 2,450 feet north of said Greenvale station, shall be closed and discontinued, the travel thereon to be diverted therefrom to an undercrossing of said railroad, which undercrossing this Board hereby determines under section 62 of the Railroad Law shall be constructed at a point about 500 feet north of said Greenvale station; and this Board hereby determines under section 62 of the Railroad Law that a new piece of highway shall be constructed west of, near to and parallel with the railroad from the Roslyn road highway in a northerly direction to a connection with the Glen Cove Back road highway west of the railroad; and this Board hereby determines under section 62 of the Railroad Law that a new piece of highway shall be constructed, for a short distance, from the Simonson road east of the railroad southerly to a connection with the Glen Cove Back road of the railroad, said short piece of new highway to be located near to and parallel with the railroad. This Board also determines under section 62 of the Railroad Law that said undercrossing shall be forty feet wide between abutments, with a clearance from the highway to the lowest part of bridge carrying the railroad of not less than thirteen feet and that said undercrossing and said new pieces of highway shall be located and shall be constructed substantially as shown by blue print plans attached to the office original determination in this matter on file in this office.

This work has been begun. (Grade Crossing Case No. 603.)

XCI.

IN THE MATTER OF THE PETITION OF THE BOSTON AND ALBANY RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) UNDER SECTION 62 OF THE RAILROAD LAW AS TO CADY'S CROSSINGS OF ITS RAILROAD IN THE TOWN OF CHATHAM, COLUMBIA COUNTY.

Modified Determination. October 3, 1906.

An order having been made on the 21st day of December, 1904, by the Board of Railroad Commissioners of the State of New York, upon the petition of the Boston and Albany Railroad Company (leased to and operated by the New York Central and Hudson River Railroad Company), under section 62 of the Railroad Law as to grade crossings of its railroad in the town of Chatham, Columbia county, known as Cady's crossing, ordering and directing that the same should be discontinued and an underground crossing substituted therefor, as shown on the map attached to and made a part of said order of December 21, 1904, and in the manner in said order more fully set forth, and the said Boston and Albany Railroad Company (leased to and operated by the New York Central and Hudson River Railroad Company) desiring and requesting that said order of December 21, 1904, be amended to conform with the map hereto attached and the description hereinafter contained, and for this purpose the petitioner, the Boston and Albany Railroad Company (leased to and operated by the New York Central and Hudson River Railroad Company) appearing by A. B. Gardenier, its attorney, the town of Chatham by John J. Wilbor, its Supervisor, not appearing but consenting to and requesting the proposed change, and the consent and request of Zimri Palmer, one of the owners, and the appearance of Norman Cady by Eben Cady, the said Norman Cady and Zimri Palmer being the only owners affected by this application and both consenting and requesting the change herein applied for, and after hearing all parties who are interested who have appeared herein, and after due deliberation, it is ordered,

That said order of December 21, 1904, be and the same herein is amended to read as follows:

That the crossing at grade of the main road between East Chatham and Chatham Centre in the Town of Chatham and the railroad of said company located about five thousand two hundred and eighty-five (5,285) feet southwesterly from the East Chatham passenger station on said railroad shall be closed and discontinued and the travel thereon shall be diverted to another crossing not at grade to be constructed so that said highway shall pass under the said railroad by a bridge about fifty (50) feet southwesterly from said existing crossing.

That the crossing at grade of the cross-road leading to Old Chatham from said main road between East Chatham and Chatham Centre and the railroad of said company located about five thousand and seventy-one (5,071) feet southwesterly from said East Chatham passenger station, shall be closed and discontinued and the travel thereon shall be diverted to the new crossing aforesaid by a new way to be constructed on the northwesterly side of said railroad connecting said cross-road with said main road; and we prescribe the manner and limits within which such alterations shall be made as follows:

The location of said main road shall be changed as follows:

Beginning at an iron bolt set in the ground distant eighty-five and seven-tenths ($85\frac{7}{10}$) feet southeasterly from the southeasterly corner of the dwellinghouse belonging to Zimri Palmer, and thirty-seven and eight-tenths ($37\frac{8}{10}$) feet northeasterly from the northwesterly corner of the barn belonging to said Zimri Palmer and located on the southerly side of said main road, the centre line of the new location of said main road shall run south eighty-seven degrees west two hundred and sixty-two (262) feet to a point in the southeasterly side line of the location of the Boston and Albany railroad; thence running north eighty-nine degrees west across said location eighty-eight and forty-three one-hundredths ($88\frac{43}{100}$) feet; thence running north seventy-nine degrees, thirty-seven feet and thirty inches west three hundred and thirty-two and eighty-eight one-hundredths ($332\frac{88}{100}$) feet to a point in the southeasterly line of the cross-road leading to Chatham from said main road between East Chatham and Chatham Centre, distant one hundred and fifty-six and ten one-hundredths ($156\frac{10}{100}$) feet southwesterly from the southwesterly corner of the dwellinghouse of Norman Cady.

The following parcels of land are hereby taken for the new location of said highway:

Parcel No. 1, from Zimri Palmer.

Beginning at the intersection of the southwesterly line of said main road between East Chatham and Chatham Centre with the dividing line between land of said Zimri Palmer and land of said Norman Cady; thence running southwesterly by said dividing line thirty-four (34) feet to a stone monument set in the ground; thence running north eighty-one degrees east one hundred and twelve and eighty-one one-hundredths ($112\frac{81}{100}$) feet to a stone monument set in the ground on the said southwesterly line of said main road distant thirty-two (32) feet westerly from the said northwesterly corner of said barn belonging to said Palmer; thence running westerly by the said southwesterly line of said main road about one hundred and ten (110) feet to the place of beginning.

Parcel No. 2, from Norman Cady.

Beginning at the intersection of the said southwesterly line of said main road between East Chatham and Chatham Centre with the said dividing line between land of said Palmer and land of said Cady; thence running southwesterly by said dividing line thirty-four (34) feet to a stone monument set in the ground; thence running north eighty-nine degrees and forty minutes west one hundred and eleven and seventeen one-hundredths ($111\frac{17}{100}$) feet to a stone monument set in the ground on the said southeasterly side line of the location of the Boston and Albany railroad; thence running northeasterly by the said southeasterly side line of said railroad location fifty-two (52) feet

to the said southwesterly line of said main road; thence running easterly by the said southwesterly line of said main road about ninety-three (93) feet to the place of beginning.

Parcel No. 3, from Norman Cady.

Beginning at the intersection of the northwesterly side line of the location of the Boston and Albany railroad with the southwesterly line of said main road between East Chatham and Chatham Centre; thence running southwesterly by the said northwesterly side line of said railroad location sixty-seven and four-tenths ($67\frac{4}{10}$) feet to a stone monument set in the ground; thence running north sixty-nine degrees and thirty-six minutes west ninety (90) feet to a stone monument set in the ground; thence running north eighty-one degrees and thirty-six minutes west two hundred and forty-five and six-tenths ($245\frac{6}{10}$) feet to a stone monument set in the ground on the south-easterly line of said cross-road leading to Chatham from said main road between East Chatham and Chatham Centre; thence running northeasterly by the said southeasterly line of said cross-road forty-five and eighty-three one-hundredths ($45\text{--}83/100$) feet; thence running north eighty-eight degrees and fifty-two minutes east thirty-six and eighty-five one-hundredths ($36\text{--}85/100$) feet; thence running south eighty-one degrees and thirty-six minutes east one hundred and ninety-three and thirty-four one-hundredths ($193\text{--}34/100$) feet; thence running north eighty-two degrees and forty-two minutes east forty-one and fifty one-hundredths ($41\text{--}50/100$) feet to the said southwesterly line of said main road between East Chatham and Chatham Centre; thence running southeasterly by the said southwesterly line of said main road about sixty-seven (67) feet to the place of beginning.

The location of said cross-road leading to Old Chatham from said main road between East Chatham and Chatham Centre shall be changed as follows:

Beginning at a point in the southwesterly line of said cross-road distant ninety-five (95) feet northwesterly from the centre line of the location of the Boston and Albany railroad, the centre line of the new location of said cross-road shall run south eight degrees west forty-eight and seventy one-hundredths ($48\text{--}70/100$) feet; thence running southwesterly by a line curving to the right with a radius of two hundred and seventy-seven and eighty-nine one-hundredths ($277\text{--}89/100$) feet ninety-eight and ninety-four one hundredths ($98\text{--}94/100$) feet; thence running south twenty-eight degrees and thirty minutes west one hundred and eighty-four (184) feet to a point in the centre line of the new location of said main road between East Chatham and Chatham Centre, distant twenty-six and fifty-six one-hundredths ($26\text{--}56/100$) feet westerly from the northwesterly side line of the said railroad location.

The following parcel of land belonging to said Norman Cady is hereby taken for the new location of said cross-road:

Beginning at a point on the southwesterly line of said cross-road distant twenty-six feet northwesterly from the centre line of the new location of the said cross-road; thence running southeasterly by the said southwesterly line of said cross-road fifty-one (51) feet; thence running south three degrees thirty minutes west thirty-two and five-tenths ($32\text{--}5/10$) feet to a point distant eighteen (18) feet easterly from the said centre line of said new location of said cross-road; thence running south ten degrees west fifty-two (52) feet to the northwesterly side line of the said railroad location; thence running southwesterly by the said northwesterly side line of said railroad location one hundred and thirty-eight (138) feet to the northeasterly line of said main road between East Chatham and Chatham Centre; thence running northwesterly by the said northeasterly line of said main road fifty-three (53) feet; thence running north forty-two degrees and thirty minutes east fifty-five and ninety-five one-hundredths ($55\text{--}95/100$) feet to a point distant seventeen (17) feet northwesterly from the said centre line of said new location of said cross-road; thence running north thirty degrees and thirty minutes east fifty-one and six-tenths ($51\text{--}6/10$) feet to a point distant fourteen and five-tenths ($14\text{--}5/10$) feet northwesterly from said centre line; thence running north nineteen degrees

and forty-five minutes east fifty-one and twenty one-hundredths ($51-20/100$) feet to a point distant seventeen and five-tenths ($17-5/10$) feet northwesterly from said centre line; thence running north ten degrees east one hundred and eleven and two-tenths ($111-2/10$) feet to the place of beginning.

The said main road between East Chatham and Chatham Centre as altered shall pass under the tracks of said Boston and Albany railroad.

A suitable bridge shall be built over said main road as altered to support the tracks of said railroad with a clear headroom of not less than thirteen (13) feet between the grade of the highway and the underside of said bridge.

We specify the grades for said main road as altered and for said cross-road as altered, and the general method of construction as follows:

From a point in said main road as altered distant thirty-five (35) feet westerly from the centre line of the location of said railroad measured on the centre line of said main road as altered, the grade shall descend eastwardly at the rate of twenty-seven one hundredths ($27/100$) of a foot in one hundred feet until said grade shall intersect the present grade of said main road, and from said point distant thirty-five (35) feet westerly from the centre line of the location of the railroad the grade shall rise westwardly at a rate of eight and five-tenths ($8-5/10$) feet in one hundred feet to the present grade of said cross-road leading to Chatham from said main road between East Chatham and Chatham Centre.

The grade of said cross-road leading to Old Chatham as altered shall descend from its present grade southwestwardly at a rate of five and four-tenths ($5-4/10$) feet in one hundred feet for a distance of two hundred and eleven (211) feet, thence the grade shall descend at a rate of seven and five-tenths ($7-5/10$) feet in one hundred feet to its junction with said main road between East Chatham and Chatham Centre as altered.

Said main road as altered and said cross-road leading to Old Chatham as altered shall be graded to a width of twenty (20) feet.

The surface of the roadways is to be of good gravel ten (10) inches in depth with the proper crowning in the middle.

Three iron pipe culverts shall be built under and across said main road as altered located as follows: One, thirty inches in diameter, at a point about seventy-six (76) feet easterly from the said cross-road leading to Chatham from said main road between East Chatham and Chatham Centre; one, sixteen (16) inches in diameter, at a point near the junction of said main road as altered with the said cross-road as altered leading to Old Chatham from said main road; and one, twenty inches in diameter, at a point about one hundred and seventy (170) feet easterly from the south-easterly line of the railroad location.

A drain-pipe twenty-four inches in diameter, shall be laid from the southerly end of said last described iron pipe culvert eastwardly on the southerly side of said main road for a distance of one hundred and forty (140) feet as shown upon the plan hereinafter described:

Whenever the grade of said main road as altered or of said cross-road as altered leading to Old Chatham exceeds five (5) feet in one hundred feet; gutters three (3) feet wide shall be provided upon each side thereof constructed of cobble paving stones.

At the junction of the said cross-road leading to Chatham with the said main road between East Chatham and Chatham Centre the necessary grading shall be done to make proper and convenient connections between said main road in its present location and said main road as altered.

Suitable pipe culverts shall be provided under the roadways at said junction as shown upon the plan hereinafter described.

The bridge over said main road as altered shall have a clear span of not less than twenty (20) feet measured at right angles with the centre line of said main road. It shall be built of steel with a tight floor composed of two layers of boards one inch in thickness so laid as to break joints.

Said bridge shall be supported on abutments of quarry face ashler masonry with suitable backing, or of Portland cement concrete.

Suitable fences of not less than three (3) feet six (6) inches high shall

be built upon both sides of said main road as altered and of said cross-road as altered leading from said main road to Old Chatham.

Substantial wooden railings not less than three feet six inches high shall be built upon both sides of the roadways of said main road as altered and of said cross-road as altered so far as said roadways are in embankment.

A driveway twelve (12) feet in width shall be constructed from said main road between East Chatham and Chatham Centre to, over and upon land of said Norman Cady lying southeasterly from the railroad location and southerly from said main road at a point near land of Zimri Palmer, and the grade thereof shall rise southward from said main road at a rate of eight feet in one hundred feet until said grade shall intersect the present surface of said land.

We decide and specify that so much of said main road between East Chatham and Chatham Centre as at present laid out as lies within the location of the Boston and Albany railroad and so much of said cross-road leading from said main road to Old Chatham as at present laid out as lies within the location of the Boston and Albany Railroad shall be discontinued upon the completion of the alterations herein ordered.

We file herewith in our office as a part of our decision showing the alterations herein decided upon a plan entitled "Plan and profiles for the separation of grades at Cady's Crossings, Chatham, New York," dated by us October 3, 1906, and signed by us.

Dated this 3rd day of October, A. D., 1906.

See p. 135, 1st vol. 1904, and p. 54, 1st vol. 1905, reports of this Board. This work is under way. (Grade Crossing Case No. 494.)

XCII.

IN THE MATTER OF THE APPLICATION OF THE GENESEE RIVER RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN LIVINGSTON AND ALLEGANY COUNTIES.

Determination. October 10, 1906.

Appearances:

F. H. Robbins and F. L. Stuart for the applicant.

Alfred B. Kent, highway commissioner, for town of Portage, Livingston county; Willis L. Fox, highway commissioner, and C. A. McIntosh, supervisor, for the town of Canadea, Allegany county; A. E. Perry, highway commissioner, and R. E. Lang, supervisor, for the town of Belfast, Allegany county; D. D. Dixon in relation to crossing No. 25 in the town of Belfast; George Straight, highway commissioner, for the town of New Hudson, Allegany county; Ira A. Amsden, highway commissioner, for the town of Cuba, Allegany county; D. F. McLennan for property owners, in relation to crossings Nos. 30 and 31, in the town of Cuba; Elba Reynolds, for the town of Cuba, in relation to crossings Nos. 30 and 31, in the town of Cuba.

This application, by the Genesee River Railroad Company, was filed with this Board on August 31, 1906. The applicant asks the Board to determine the manner in which its railroad (now being constructed) shall cross streets, avenues or highways in Livingston and Allegany counties. A public hearing on this application, after notice as required by the statute, was held by this Board in the village of Cuba on October 10. After hearing evidence and arguments the hearing was closed on said date as to all of the proposed crossings except No. 16. As to crossing No. 16 the superintendent of the grade crossing bureau in this office has been instructed to meet representatives of the company and the town on the ground and

report, after which the matter of this crossing will be determined. At the hearing there was filed by the company blue-print plans of the proposed crossings bearing the approval in writing of the town boards and highway commissioners of the manner of proposed crossing in all instances except Nos. 14, 15, 16, 22, 23, 25 and 31, and as to these crossings (except No. 16) members of the town boards and highway commissioners practically agreed at the hearing.

This Board hereby determines, under section 60 of the Railroad Law, that the manner in which the Genesee River railroad shall cross the following named highways (the numbers corresponding to the numbers in the public notice of hearing) in Livingston and Allegany counties, shall be as follows; this Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of highways shall be made as herein-after set forth; this Board also hereby determines, under section 60 of the Railroad Law, that where proposed crossings hereinafter are stated to be at grade it is impracticable that they should be otherwise than at grade,—to wit:

Livingston County.

1. (Exhibit A.) Town of Portage: Highway from Hunts to Portage at station 74 plus 16 of map of route of Genesee River railroad.

The highway on its present line shall be carried over the railroad at a point shown on a plan dated April 10, 1906, and marked Exhibit A, now on file with this Board in this matter, on a steel bridge, fourteen feet wide between guard rails with, a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails. The maximum grade on the approaches to the bridge shall be six per cent, as shown on said plan Exhibit A, dated April 10, 1906.

2. (Exhibit B.) Town of Portage: Highway from Hunts to Portageville near station 91 plus 12 of map of route of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated April 27, 1906, and marked Exhibit B, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit B, dated April 27, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan Exhibit B, dated April 27, 1906. The maximum grades on the new piece of highway and on the approaches to the undercrossing shall be 7.75 per cent and 10 per cent, as shown on said plan, Exhibit B, dated April 27, 1906.

3. (Exhibit C.) Town of Portage: Highway from Rossburg to Hunts near station 147 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated May 30, 1906, and marked Exhibit C, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit C, dated May 30, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit C, dated May 30, 1906. The maximum grade on the new piece of highway and on the approaches to the undercrossing shall be nine per cent, as shown on said plan, Exhibit C, dated May 30, 1906.

4. (Exhibit D.) Town of Portage: Highway from Rossburg to Hunts near station 175 plus 80 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated April 25, 1906, and marked Exhibit D, now on file with this Board in this matter. The clear width of the undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit D, a new piece of highway shall be constructed in accordance with said plan, Exhibit D, dated April 25, 1906.

The maximum grade on the new piece of highway and on the approaches to the undercrossing shall be nine per cent, as shown on said plan, Exhibit D, dated April 25, 1906.

Allegany County.

5. (Exhibit E.) Town of Granger: Highway from Rossburg to Short Tract near station 231 plus 18 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried over the railroad at a point shown on a plan dated April 10, 1906, and marked Exhibit E, now on file with this Board in this matter, on a steel bridge fourteen feet wide between guard-rails, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard-rails. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit E, dated April 10, 1906. The grades on the new piece of highway and on the approaches to the bridge shall be those of the present highway to be abandoned, as shown on said plan, Exhibit E, dated April 10, 1906.

6. (Exhibit F.) Town of Granger: Highway from River road to Hunts near station 319 plus 50 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated April 26, 1906, and marked Exhibit F, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit F, dated April 26, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit F, dated April 26, 1906. The maximum grade on the new piece of highway and on the approaches to the undercrossing shall be seven per cent, as shown by said plan, Exhibit F, dated April 26, 1906.

7. (Exhibit G.) Town of Granger: Highway from River road to Short Tract near station 349 plus 25 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated August 25, 1906, and marked Exhibit G, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit G, dated August 25, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit G, dated August 25, 1906. The maximum grade on the new piece of highway and on the approaches to the undercrossing shall be nine and seventy-five hundredths per cent, as shown on said plan, Exhibit G, dated August 25, 1906.

8. (Exhibit H.) Town of Granger: Highway from Rossburg to Short Tract near station 377 plus 85.5 of the filed center line of the Genesee River railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway, at a point shown on a plan dated April 10, 1906, and marked H, now on file with this Board in this matter.

9. (Exhibit I.) Town of Granger: Highway from Fillmore to Short Tract near station 429 of the filed center line of Genesee River railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway, at a point shown on a plan dated April 10, 1906, and marked Exhibit I, now on file with this Board in this matter. This highway is not worked and in places is fenced across.

10. (Exhibit J.) Town of Hume: Highway from Fillmore to Short Tract near station 498 plus 24 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried over the railroad at a point shown on a plan dated May 3, 1906, and marked Exhibit

J, now on file with this Board in this matter, on a steel bridge, fourteen feet wide between guard rails, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit J, dated May 3, 1906. The maximum grade on the new piece of highway and on the approaches to the bridge shall be nine per cent, as shown on said plan, Exhibit J, dated May 3, 1906.

11. (Exhibit K.) Town of Hume: Highway from Fillmore to Rush Creek Valley near station 505 plus 54 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated June 7, 1906, and marked Exhibit K, now on file with this Board in this matter. At this point the railroad is on a viaduct approximately 125 feet above the grade of the highway. The clear width of this undercrossing shall be at least forty feet. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit K, dated June 7, 1906. The grades on the new piece of highway shall be those of the present highway to be abandoned, as shown on said plan, Exhibit K, dated June 7, 1906.

12. (Exhibit L.) Town of Hume: Highway from Fillmore to Dutch Hill near station 550 plus 43 of the filed center line of Genesee River railroad; and,

13. (Exhibit L.) Town of Hume: Highway from Dutch Hill road to Canadea near station 556 plus 92 of the filed center line of Genesee River railroad.

The said two highways shall be changed in location and shall be carried over the railroad at a point shown on a plan dated April 7, 1906, and marked Exhibit L, now on file with this Board in this matter, on one steel bridge, fourteen feet wide between guard rails, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails. Pieces of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit L, dated April 7, 1906. The maximum grade on the new piece of highway and on the approaches to the bridge shall be five per cent, as shown on said plan, Exhibit L, dated April 7, 1906.

14. (Exhibit M.) Town of Canadea: Highway from River road to a back road near station 664 plus — of the filed center line of Genesee River railroad.

The highway about on its present line shall be carried over the railroad on a steel bridge, fourteen feet wide between guard rails, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails. A new piece of highway, on which the grade shall not exceed thirteen per cent, shall be built south of the fence line shown on a plan dated April 6, 1906, and marked Exhibit M, now on file with this Board in this matter, to connect with present highway at a point approximately eleven hundred feet away from the crossing by the railroad, and a corresponding piece of existing highway shall be abandoned.

15. (Exhibit N.) Town of Canadea: Highway from Fillmore to German Settlement near station 745 of the filed center line of Genesee River railroad.

The highway on its present line shall be carried under the railroad at a point shown on a plan dated October 8, 1906, and marked Exhibit N, now on file with this Board in this matter. The clear width of the undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit N, dated October 8, 1906. The maximum grade of the approaches to the undercrossing shall be thirteen per cent, as shown on said plan, Exhibit N, dated October 8, 1906.

17. (Exhibit P.) Town of Canadea: Highway from River road to Back road near station 853 plus 52 of the filed center line of Genesee River railroad.

The highway on its present line shall be carried over the railroad at a point shown on a plan dated April 5, 1906, and marked Exhibit P, now on file with this Board in this matter, on a steel bridge, fourteen feet wide between guard rails, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridges shall be twenty-four feet wide and shall have guard rails. The grades of the approaches to the bridge shall be the same as those now existing on the highway at this point.

18. (Exhibit Q.) Town of Caneadea: Highway from River road to Back road near station 916 plus 5 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried over the railroad at a point shown on a plan dated August 18, 1906, and marked Exhibit Q, now on file with this Board in this matter, on a steel bridge, fourteen feet wide between guard rails, with a clearance of more than twenty-two feet above top of rail of the railroad. The bridge shall have a wooden floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit Q, dated April 18, 1906. The grades of the approaches to the bridge shall be the same as those now existing on the highway at this point.

19. (Exhibit R.) Town of Caneadea: Highway from Belfast to Caneadea near station 952 plus 40 of the filed center line of Genesee River railroad.

The highway on its present line, grade and width, shall be carried under the railroad at a point shown on a plan dated May 12, 1906, and marked Exhibit R, now on file with this Board in this matter. At this point the railroad will be on a viaduct about 100 feet above the highway.

20. (Exhibit S.) Town of Caneadea: Highway from Belfast to Caneadea near station 977 plus 76 of the filed center line of Genesee River railroad.

The highway on its present line, grade and width, shall be carried under the railroad at a point shown on a plan dated May 9, 1906, and marked Exhibit S, now on file with this Board in this matter. At this point the railroad will be on a viaduct about 100 feet above the highway.

21. (Exhibit T.) Towns of Caneadea and Belfast: Highway from Belfast to Crawford creek near station 1005 plus 77 of the filed center line of Genesee River railroad.

The highway on its present line and grade shall be carried under the railroad at a point shown on a plan dated June 2, 1906, and marked Exhibit T, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet, and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit T, dated June 2, 1906.

22. (Exhibit U.) Town of Belfast: Highway from Belfast to a dead end near station 1025 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated October 6, 1906, and marked Exhibit U, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit U, dated October 6, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit U, dated October 6, 1906, except that the approaches to this undercrossing shall be agreed upon between representatives of the town and the company and a plan of said approaches as agreed upon is to be submitted to this Board in the future for determination.

23. (Exhibit V.) Town of Belfast: Highway from Cuba road to Crawford Creek road near station 1084 plus 50 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on plan, Exhibit V, dated March 30, 1906. This undercrossing shall be located at a point about twenty-five feet north of the point for the undercrossing shown on a plan dated March 30, 1906, and marked Exhibit V, now on file with this Board in this matter.

A piece of existing highway shall be abandoned as shown on said plan, Exhibit V, dated March 30, 1906, and a new piece of highway shall be constructed, the new piece of highway to be located as asked for by representatives of the town at the hearing in this matter on October 10. At this hearing representatives of the town agreed, so far as they could, that the town would acquire the land for the new piece of highway to be constructed as they desire it to be and pay half of the expense of securing said land, the railroad to pay the other half of the expense of securing the land, and the railroad to build the new piece of highway.

24. (Exhibit W.) Town of Belfast: Highway from Cuba or Belfast road to Gleason Hill road near station 1120 of the filed center line of Genesee River railroad.

The highway shall be changed in location and be carried under the railroad at a point shown on a plan dated March 23, 1906, and marked Exhibit W, now on file with this Board in this matter. The clear width of the undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit W, dated March 23, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit W, dated March 23, 1906. The maximum grade on the new piece of highway and on the approaches to the undercrossing shall be nine per cent, as shown on said plan, Exhibit W, dated March 23, 1906.

25. Town of Belfast: Highway from Belfast to Cuba near station 1150 plus 50 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point about 100 feet east of the point where the railroad crosses the center line of the present highway. The undercrossing shall be at an angle of forty-five degrees and a piece of existing highway shall be abandoned and a new piece of highway shall be constructed which shall connect with the existing highway within a distance of about three hundred feet on either side of the undercrossing. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet.

26. (Exhibit Y.) Town of Belfast: Highway from Cuba or Belfast road to White Creek near station 1214 plus 88 of the filed center line of Genesee River railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway, at a point shown on a plan dated August 12, 1906, and marked Exhibit Y, now on file with this Board in this matter.

27. (Exhibit Z.) Town of New Hudson: Back road from Rockville to Black Creek near station 1390 plus 87 of the filed center line of Genesee River railroad.

The highway shall be changed in location and the railroad shall cross the highway at the grade of the highway, at a point shown on a plan dated June 13, 1906, and marked Exhibit Z, now on file with this Board in this matter. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit Z, dated June 13, 1906. The grade of the new piece of highway shall be about the same as the grade of the piece of highway abandoned.

28. (Exhibit AA.) Town of New Hudson: Highway from Friendship to Black Creek near station 1418 plus 82 of the filed center line of Genesee River railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway, at a point shown on a plan dated June 29, 1906, and marked Exhibit AA, now on file with this Board in this matter.

29. (Exhibit AB.) Town of New Hudson: Highway from back road to Cuba, to New Hudson near station 1473 of the filed center line of Genesee River railroad.

The highway shall be changed in location and the railroad shall cross the highway at the grade of the highway, at a point shown on a plan dated June 29, 1906, and marked Exhibit AB, now on file with this Board in this matter. A piece of existing highway and a piece of existing private road shall be abandoned and a new piece of highway shall be constructed and pieces of

private road shall be made public highway, in accordance with said plan, Exhibit AB, dated June 29, 1906.

30. (Exhibit AC.) Town of Cuba: Highway from back road to Black Creek, to Johnson Hill near station 1583 of the filed center line of Genesee River railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway, at a point shown on a plan dated July 10, 1906, and marked Exhibit AC, now on file with this Board in this matter.

31. (Exhibit AD.) Town of Cuba: Highway from Cuba to Belfast near station 1628 plus 1 of the filed center line of Genesee River railroad.

The highway on its present line shall be carried over the railroad on a steel bridge, twenty feet wide between guard rails, with a clearance of twenty-two feet above top of rail of the railroad. The bridge shall have a macadam, or similar material floor. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails.

32. (Exhibit AE.) Town of Cuba: Highway from Cuba to Cuba Lake near station 1709 plus 26 of the filed center line of Genesee River railroad.

The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated June 30, 1906, and marked Exhibit AE, now on file with this Board in this matter. The clear width of the undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit AE, dated June 30, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit AE, dated June 30, 1906.

This work is under way. See next following determination. (Grade Crossing Case No. 625.)

XCIII.

IN THE MATTER OF THE APPLICATION OF THE GENESSEE RIVER RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD SHALL CROSS STREETS, AVENUES OR HIGHWAYS IN LIVINGSTON AND ALLEGANY COUNTIES.

Determination as to crossing No. 16, in the town of Caneadea, Allegany county. December 4, 1906.

Appearances:

F. H. Robbins and F. L. Stuart, for the applicant.

Willis L. Fox, highway commissioner, and C. A. McIntosh, supervisor, for the town of Caneadea, Allegany county.

This application, by the Genesee River Railroad Company, was filed with this Board on August 31, 1906. A determination (dated October 10, 1906) has been made as to all of the proposed crossings except No. 16 (as numbered in the public notice of hearing), in the town of Caneadea, Allegany county. At the hearing in this matter which was held in the village of Cuba on October 10, 1906, there was a question as to how this crossing should be made and the superintendent of the grade crossing bureau in this office was instructed to meet representatives of the company and the town on the ground and report. He did so, and his report, dated November 21, 1906, has been received. The hearing in this matter was not closed until the date hereof.

This Board hereby determines, under section 60 of the Railroad Law, that the manner in which the Genesee River railroad shall cross the following named highway (the number corresponding to the number in the public notice of hearing) in the town of Caneadea, Allegany county, shall be as follows: this Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of highways shall be made as hereinafter set forth.

Allegheny County.

16. Town of Canadea: Highway from river road up Shango creek near station 794 plus 80 of the filed centre line of Genesee River railroad.

The highway shall be carried under the railroad at a point shown on a plan dated May 16, 1906, and marked Exhibit O, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen (16) feet and the vertical clearance shall be twelve (12) feet, as shown on said plan, Exhibit O, dated May 16, 1906. The maximum grade of the approaches to the undercrossing shall not exceed five per cent. The highway is to be changed at this point, the point of crossing by the railroad to be as shown on said plan, Exhibit O, May 16, 1906, and the westerly approach to said undercrossing shall be as shown upon said plan; the easterly approach shall be as shown upon said plan to the point where a turn in the approach is shown on said plan and from this point, instead of there being a turn, the approach shall be extended in substantially a straight line to a junction with the present highway. At the side hill construction east of the crossing point the company, in addition to the surface ditch along the highway, shall install sub-drains in the slope to prevent it slipping. Substantial railings wherever required shall be constructed. The cut on the westerly approach shall be made a daylight cut on one side in order to provide against excessive snow drifts. The surface of the highway on the approaches to this undercrossing shall be paved with gravel of sufficient depth, and said approaches shall be twenty-six feet wide.

See immediately preceding determination. (Grade Crossing Case No. 625.)

XCIV.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY (STEAM) UNDER SECTION 68 OF THE RAILROAD LAW, AS TO A SWITCH TRACK OF ITS RAILWAY CROSSING THE INTERNATIONAL RAILWAY (STREET SURFACE, DOUBLE TRACK), AT THE INTERSECTION OF MISSISSIPPI AND ELK STREETS IN THE CITY OF BUFFALO.

Determination. October 12, 1906.

This application, under section 68 of the Railroad Law by the New York, Lackawanna and Western Railway Company (steam), was filed with this Board in the city of Buffalo on October 12, 1906. It asks this Board to determine how a switch track of its railway shall cross the International railway (street surface, double track) at the intersection of Mississippi and Elk streets in the city of Buffalo. Rogers, Locke & Babcock (Mr. Jones appearing) appeared for the applicant company. After consideration this Board believes it is justified in determining that this crossing may be at grade.

This Board, therefore, hereby determines, under section 68 of the Railroad Law, that a switch track of the New York, Lackawanna and Western Railway Company (steam) shall cross the International railway (street surface, double track) at the intersection of Mississippi and Elk streets in the city of Buffalo at the grade of the street railway. The entire expense of said crossing to be borne by the steam railway, which is leased to and operated by the Delaware, Lackawanna and Western Railroad Company.

This crossing has been constructed. (Case No. 3763.)

XCV.

IN THE MATTER OF THE APPLICATION OF THE INTERNATIONAL RAILWAY COMPANY (STREET SURFACE) UNDER SECTION 68 OF THE RAILROAD LAW AS TO ITS RAILWAY CROSSING THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD (STEAM) ON FILLMORE AVENUE IN THE CITY OF BUFFALO.

Determination. October 12, 1906.

This application, under section 68 of the Railroad Law, by the International Railway Company (street surface) was made to this Board in the city of Buffalo, October 11, 1906, at which time the applicant filed with the Board a copy of an agreement between itself and the New York Central and Hudson River Railroad Company (steam) as to the crossings proposed, from which it appears that the street surface railway (double track) proposes to cross the belt line of the steam railroad (three tracks) at the intersection of Fillmore avenue and Northland avenue in the city of Buffalo, and proposes to cross at grade a single branch track of the steam railroad on Fillmore avenue, said branch track being known as "branch to quarry"; the application as to the crossing at the intersection of Fillmore avenue and Northland avenue being that it may be made at grade until said crossing of said avenues by the steam railroad is changed from grade and said avenues carried under the railroad, and the application as to crossing the quarry branch, that the crossing may be made at grade permanently. It also appears from said agreement that while there are three tracks of the steam railroad now at the intersection of Fillmore avenue and Northland avenue, that during the work of construction of the undercrossing there are to be but two temporary tracks of the steam railroad. This application is also that when the undercrossing is completed, the street railway may cross therein. Porter Norton appeared for the applicant company on October 11, and was heard in this matter. After consideration this Board believes that it is justified in granting this application.

This Board, therefore, hereby determines, under section 68 of the Railroad Law, that the double track railway of the International Railway Company (street surface) shall cross the belt line railroad of the New York Central and Hudson River Railroad Company (steam) in the city of Buffalo (three tracks) at the intersection of Fillmore avenue and Northland avenue at the grade of said steam railroad.

This Board also hereby determines, under section 68 of the Railroad Law, that the street surface railway (double track) shall cross at grade the temporary tracks of the steam railroad to be laid at this crossing during the construction of an undercrossing by said avenues of the steam railroad.

This Board also hereby determines, under section 68 of the Railroad Law, that when said undercrossing is constructed the street surface railway shall cross beneath the grade of the steam railroad in said undercrossing.

This Board also hereby determines, under section 68 of the Railroad Law, that the street surface railway (double track) shall cross at grade a branch track of the steam railroad on Fillmore avenue, which branch track is known as "branch to quarry."

This Board also hereby determines, under section 68 of the Railroad Law, that the conditions in said agreement as to the expense of these crossings to be borne by the street surface railway company and as to the provisions for safety at these crossings shall be as set forth in said agreement.

These crossings have not been constructed, but will be in the spring it is expected. (Case No. 3762.)

XCVI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (STEAM) UNDER SECTION 36 OF THE RAILROAD LAW, FOR APPROVAL OF AN INTERLOCKING SWITCH AND SIGNAL APPARATUS PROPOSED TO BE INSTALLED AT A GRADE CROSSING OF SAID COMPANY'S RAILROAD AND THE WESTERN NEW YORK AND PENNSYLVANIA RAILWAY (STEAM—OPERATED BY THE PENNSYLVANIA RAILROAD COMPANY) AT EMSLIE STREET IN THE CITY OF BUFFALO, AND CONSENT TO THE DISCONTINUANCE OF THE FULL STOP AND CROSSING ON SIGNAL OF ENGINES AND TRAINS AT SAID CROSSING.

Determination. October 12, 1906.

This application, under section 36 of the Railroad Law, by the New York Central and Hudson River Railroad Company (steam) was filed with this Board on September 14, 1906. The applicant asks the Board to approve an interlocking switch and signal apparatus to be installed at a point where the applicant's railroad and the Western New York and Pennsylvania railway (steam—leased to and operated by the Pennsylvania Railroad Company) cross at grade Emslie street in the city of Buffalo. Blue print plans and specifications of the apparatus proposed were submitted with the application. A report dated October 1, 1906, as to these plans and specifications was made by a civil engineer employed by this Board. A hearing on this application was given by this Board in the city of Buffalo on October 12, at which Pooley & Spratt appeared for the New York Central and Hudson River Railroad Company. There had previously been filed with this Board a letter dated September 21, from the Pennsylvania Railroad Company stating that it had agreed with the New York Central and Hudson River Railroad Company regarding this interlocking plant.

This Board believes it is justified in approving the proposed apparatus and consenting that the full stop and crossing on signal at this crossing may be discontinued.

This Board, therefore, does hereby approve, under section 36 of the Railroad Law, of the interlocking switch and signal apparatus proposed to be installed at a point where the New York Central and Hudson River railroad and the Western New York and Pennsylvania railway (leased to and operated by the Pennsylvania Railroad Company) cross at grade at Emslie street in the city of Buffalo, blue print plans and specifications of which apparatus are on file with the papers in this case in this office, and this Board hereby consents that the full stop and crossing on signal of trains and locomotives, referred to in section 36 of the Railroad Law, may be discontinued at this crossing of said railroads after said apparatus is installed and put in operation at this crossing of said railroads.

This interlocking plant is under contract but not yet constructed. (Case No. 3722.)

XCVII.

IN THE MATTER OF THE PETITION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF NIAGARA FALLS, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE PINE STREET CROSSING OF THE ERIE RAILROAD AND THE RIGHT OF WAY OF THE BUFFALO, THOUSAND ISLANDS AND PORTLAND RAILROAD COMPANY IN SAID CITY.

Determination. October 12, 1906.

The Erie, Railroad Company and the Buffalo, Thousand Islands and Portland Railroad Company, in pursuance of a determination of this Board in this matter dated August 24, 1906, are to bear under the statute fifty per centum

of the cost of changing the Pine street, Niagara Falls, grade crossing of the Erie railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing. On October 8, 1906, there was filed with this Board an application by the Erie Railroad Company that the Board determine the proportion of said fifty per centum of the cost of said work to be borne by each of said companies. A public hearing on said application was held by the Board in the city of Buffalo on October 12, at which hearing H. A. Taylor appeared for the Erie Railroad Company and Walter P. Cooke for the Buffalo, Thousand Islands and Portland Railroad Company. After hearing evidence and arguments the hearing was closed. It seems to this Board from the evidence that the proportions should be as hereinafter set forth.

This Board, therefore, hereby determines, under section 65 of the Railroad Law, that the fifty per centum of the expense to be borne by the Erie Railroad Company and the Buffalo, Thousand Islands and Portland Railroad Company of the cost of changing the Pine street, Niagara Falls, grade crossing of the Erie railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an over crossing, in pursuance of a determination of this Board dated August 24, 1905, under section 62 of the Railroad Law, shall be divided between and be borne by said companies as follows: Five-ninths (5/9ths) to be borne by the Erie Railroad Company and four-ninths (4/9ths) to be borne by the Buffalo, Thousand Islands and Portland Railroad Company.

See page 82, 1st vol., 1905 report of this Board. This work is under contract. (Grade Crossing Case No. 293.)

XCVIII.

IN THE MATTER OF THE APPLICATION OF THE CARTHAGE AND COPENHAGEN RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE TRACK RAILROAD SHALL CROSS STREETS IN THE VILLAGE OF WEST CARTHAGE, JEFFERSON COUNTY, AND HIGHWAYS IN THE TOWN OF DENMARK, LEWIS COUNTY.

Determination. October 16, 1906.

This application, by the Carthage and Copenhagen Railroad Company, under section 60 of the Railroad Law, was filed with this Board on July 23, 1906. The applicant asks the Board to determine the manner in which its single track railroad shall cross streets in the village of West Carthage, Jefferson county, and in the town of Denmark, Lewis county, hereinafter named. A public hearing in this matter was held by the Board in Albany on September 11, after notice as required by the statute. W. B. Van Allen appeared for the applicant; no one else appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. A report dated August 7, 1906, as to these proposed crossings was made by the superintendent of the grade crossing bureau in this department.

After consideration of the evidence and of said report, this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the single track railroad of the Carthage and Copenhagen Railroad Company to cross otherwise than at grade the streets in the village of West Carthage, Jefferson county, and the highways in the town of Denmark, Lewis county, hereinafter named, to wit:

Village of West Carthage, Jefferson county.

1. Main street at a point about forty feet west of the existing Standard Oil switch.
2. The Base Line road (or Deerfield road) east of and near to Liberty street.

Town of Denmark, Lewis county.

3. The Carthage road near land of Byron Bedell.
4. The State road near the Lon Harter farm.
5. A cross road near the land of Charles Zecher.
6. The Watertown road near the land of P. Sage.

These crossings have been constructed. (Grade Crossing Case No. 617.)

XCIX.

IN THE MATTER OF THE PETITION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, LESSEE OF THE SYRACUSE, GENEVA AND CORNING RAILWAY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE MORELAND ROAD HIGHWAY GRADE CROSSING OF THE SYRACUSE, GENEVA AND CORNING RAILWAY IN THE TOWN OF DIX, SCHUYLER COUNTY.

Determination. October 16, 1906.

This petition, by the New York Central and Hudson River Railroad Company as lessee of the Syracuse, Geneva and Corning Railway, was filed with this Board on July 10, 1906. It alleges that public safety requires the closing and discontinuance of the Moreland road highway grade crossing of the Syracuse, Geneva and Corning Railway in the town of Dix, Schuyler county, situated at a point about one-half mile north of the Beaver Dams station on said railway (said crossing being known locally as Beer's crossing), and asks this Board to determine that said crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway east of and an average of about 950 feet from said railway, said new piece of highway to begin at the Moreland road highway and to run south for a distance of about 2,600 feet, to turn thence to the west for a distance of about 1,200 feet and to cross the said railway at grade at a point just north of the Beaver Dams station on said railway. It asks this Board to determine that said new piece of highway and said new crossing of said railway at grade shall be constructed. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker (by delegation of the Board) in Watkins on August 24. Reynolds, Stanchfield & Collin appeared for the petitioner; O. P. Hurd appeared for the town of Dix, in opposition; Seaman F. Northrup appeared for F. W. Northrup, L. E. Northrup, William F. Hall and A. H. Moore, property owners, in opposition; George M. Velie appeared for E. N. Bolt, highway commissioner of the town of Dix, not in opposition if certain conditions were agreed to by the company, the conditions being as follows:

- "1. That the petitioner dedicate all lands necessary to the proposed change.
2. That the petitioner construct a highway and crossing at grade upon the proposed plans, that shall in all ways be acceptable to said highway commissioner; and in case the petitioner and said highway commissioner cannot agree thereon, that then and in that case, the petitioner shall so construct said road and crossing in a manner which shall be approved by the State Railroad Commissioners. That the construction of said highway and crossing shall be at the expense of said petitioner.
3. That the petitioner in the meantime, and until said new highway and crossing shall be constructed and accepted and approved and in the manner hereinbefore specified, and until said Beer's crossing shall be entirely eliminated, shall keep and maintain a flagman at said Beer's crossing during the daytime and during the hours in which said petitioner now maintains a flagman at said crossing.
4. That the petitioner save the town of Dix from any and all expense and damage attending and resulting from the elimination of said Beer's crossing and the laying out, constructing and opening of said new crossing and highway.

of the cost of changing the Pine street, Niagara Falls, grade crossing of the Erie railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing. On October 8, 1906, there was filed with this Board an application by the Erie Railroad Company that the Board determine the proportion of said fifty per centum of the cost of said work to be borne by each of said companies. A public hearing on said application was held by the Board in the city of Buffalo on October 12, at which hearing H. A. Taylor appeared for the Erie Railroad Company and Walter P. Cooke for the Buffalo, Thousand Islands and Portland Railroad Company. After hearing evidence and arguments the hearing was closed. It seems to this Board from the evidence that the proportions should be as hereinafter set forth.

This Board, therefore, hereby determines, under section 65 of the Railroad Law, that the fifty per centum of the expense to be borne by the Erie Railroad Company and the Buffalo, Thousand Islands and Portland Railroad Company of the cost of changing the Pine street, Niagara Falls, grade crossing of the Erie railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an over crossing, in pursuance of a determination of this Board dated August 24, 1905, under section 62 of the Railroad Law, shall be divided between and be borne by said companies as follows: Five-ninths ($5/9$ ths) to be borne by the Erie Railroad Company and four-ninths ($4/9$ ths) to be borne by the Buffalo, Thousand Islands and Portland Railroad Company.

See page 82, 1st vol., 1905 report of this Board. This work is under contract. (Grade Crossing Case No. 293.)

XCVIII.

IN THE MATTER OF THE APPLICATION OF THE CARTHAGE AND COPENHAGEN RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE TRACK RAILROAD SHALL CROSS STREETS IN THE VILLAGE OF WEST CARTHAGE, JEFFERSON COUNTY, AND HIGHWAYS IN THE TOWN OF DENMARK, LEWIS COUNTY.

Determination. October 16, 1906.

This application, by the Carthage and Copenhagen Railroad Company, under section 60 of the Railroad Law, was filed with this Board on July 23, 1906. The applicant asks the Board to determine the manner in which its single track railroad shall cross streets in the village of West Carthage, Jefferson county, and in the town of Denmark, Lewis county, hereinafter named. A public hearing in this matter was held by the Board in Albany on September 11, after notice as required by the statute. W. B. Van Allen appeared for the applicant; no one else appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. A report dated August 7, 1906, as to these proposed crossings was made by the superintendent of the grade crossing bureau in this department.

After consideration of the evidence and of said report, this Board hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the single track railroad of the Carthage and Copenhagen Railroad Company to cross otherwise than at grade the streets in the village of West Carthage, Jefferson county, and the highways in the town of Denmark, Lewis county, hereinafter named, to wit:

Village of West Carthage, Jefferson county.

1. Main street at a point about forty feet west of the existing Standard Oil switch.
2. The Base Line road (or Deerfield road) east of and near to Liberty street.

Town of Denmark, Lewis county.

3. The Carthage road near land of Byron Bedell.
4. The State road near the Lon Harter farm.
5. A cross road near the land of Charles Zecher.
6. The Watertown road near the land of P. Sage.

These crossings have been constructed. (Grade Crossing Case No. 617.)

XCIX.

IN THE MATTER OF THE PETITION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, LESSEE OF THE SYRACUSE, GENEVA AND CORNING RAILWAY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE MORELAND ROAD HIGHWAY GRADE CROSSING OF THE SYRACUSE, GENEVA AND CORNING RAILWAY IN THE TOWN OF DIX, SCHUYLER COUNTY.

Determination. October 16, 1906.

This petition, by the New York Central and Hudson River Railroad Company as lessee of the Syracuse, Geneva and Corning Railway, was filed with this Board on July 10, 1906. It alleges that public safety requires the closing and discontinuance of the Moreland road highway grade crossing of the Syracuse, Geneva and Corning Railway in the town of Dix, Schuyler county, situated at a point about one-half mile north of the Beaver Dams station on said railway (said crossing being known locally as Beer's crossing), and asks this Board to determine that said crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway east of and an average of about 950 feet from said railway, said new piece of highway to begin at the Moreland road highway and to run south for a distance of about 2,600 feet, to turn thence to the west for a distance of about 1,200 feet and to cross the said railway at grade at a point just north of the Beaver Dams station on said railway. It asks this Board to determine that said new piece of highway and said new crossing of said railway at grade shall be constructed. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker (by delegation of the Board) in Watkins on August 24. Reynolds, Stanchfield & Collin appeared for the petitioner; O. P. Hurd appeared for the town of Dix, in opposition; Seaman F. Northrup appeared for F. W. Northrup, L. E. Northrup, William F. Hall and A. H. Moore, property owners, in opposition; George M. Velie appeared for E. N. Bolt, highway commissioner of the town of Dix, not in opposition if certain conditions were agreed to by the company, the conditions being as follows:

- "1. That the petitioner dedicate all lands necessary to the proposed change.
2. That the petitioner construct a highway and crossing at grade upon the proposed plans, that shall in all ways be acceptable to said highway commissioner; and in case the petitioner and said highway commissioner cannot agree thereon, that then and in that case, the petitioner shall so construct said road and crossing in a manner which shall be approved by the State Railroad Commissioners. That the construction of said highway and crossing shall be at the expense of said petitioner.
3. That the petitioner in the meantime, and until said new highway and crossing shall be constructed and accepted and approved and in the manner hereinbefore specified, and until said Beer's crossing shall be entirely eliminated, shall keep and maintain a flagman at said Beer's crossing during the daytime and during the hours in which said petitioner now maintains a flagman at said crossing.
4. That the petitioner save the town of Dix from any and all expense and damage attending and resulting from the elimination of said Beer's crossing and the laying out, constructing and opening of said new crossing and highway.

5. That the petitioner pay all costs and disbursements incurred by said highway commissioner and his attorney in the proceedings brought and still pending, to compel the petitioner to station a flagman at said Beer's crossing. Said costs to be the same as though said commissioner had finally succeeded in said proceedings to obtain said flagman, and the disbursements to be the disbursements of said commissioner to date.

6. That the petitioner, upon the opening of said new highway and crossing for public travel, shall station and keep, and maintain at said new crossing thereafter, a flagman from the hour of seven o'clock in the morning until the hour of seven o'clock in the evening of each and every day."

An adjourned hearing in this matter was held by Commissioner Baker (by delegation of the Board) at Watkins on September 29, 1906, at which the appearances were the same as on August 24 except that Seaman F. Northrup also appeared for A. H. Northrup. At this hearing the evidence was closed but the matter was held open. Commissioner Baker inspected the crossing and proposed crossing and the locality.

After consideration of the evidence it seems to the Board that public safety requires that this Beer's crossing should be closed and discontinued and the new piece of highway and new crossing be constructed. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Syracuse, Geneva and Corning Railway (leased to and operated by the New York Central and Hudson River Railroad Company) by the Moreland road highway in the town of Dix, Schuyler county, situated at a point about one-half mile north of the Beaver Dams station on said railway (said crossing being known locally as Beer's crossing) shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway east of and an average of about 950 feet from said railway, said new piece of highway to begin at the Moreland road highway and to run south for a distance of about 2,600 feet, to turn thence to the west for a distance of about 1,200 feet and to cross the said railway at grade at a point just north of the Beaver Dams station on said railway, which said new piece of highway and new crossing at grade of said railway this Board hereby determines, under section 62 of the Railroad Law, shall be constructed as shown on a plan marked "Applicant's Ex. No. 3. Filed Aug. 24, '06, Watkins S. P. W." attached to the office original determination in this matter on file in this office,—on condition that the conditions of the highway commissioner quoted above shall be complied with by the New York Central and Hudson River Railroad Company, and, therefore, none of the expense of the changes under this determination shall be borne by the state or the town.

Detail plans and specifications for this work have been approved. (Grade Crossing Case No. 610.)

C.

IN THE MATTER OF THE APPLICATION OF THE GREENWICH AND JOHNSONVILLE RAILWAY COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE TRACK BRANCH RAILROAD TO BE CONSTRUCTED FROM THE VILLAGE OF GREENWICH TO THE TOWN OF SALEM IN WASHINGTON COUNTY, SHALL CROSS STREETS AND HIGHWAYS IN THE VILLAGE OF GREENWICH AND IN THE TOWNS OF EASTON, JACKSON, AND SALEM, WASHINGTON COUNTY.

Determination. October 17, 1906.

Appearances:

I. C. Blandy, president, and Herbert Van Kirk, counsel, for the applicant.
Frank H. Mason for the trustees of the village of Greenwich and for Richard H. Barber, a property owner; F. H. Hillman, highway commissioner, town of

Easton; D. L. Valentine, highway commissioner, and W. A. Van Kirk for the town of Jackson; James L. Cowan, Andrew Skelly, W. A. Skelly and Jesse V. Palmer, property owners; Fred Petteys, supervisor, town of Easton.

This application, by the Greenwich & Johnsonville Railway Company, under section 60 of the Railroad Law, was filed with this Board on September 17, 1906. The applicant asks the Board to determine the manner in which its single track branch railroad proposed to be constructed from the village of Greenwich to the town of Salem, in Washington county, shall cross streets and highways in the village of Greenwich and in the towns of Easton, Jackson and Salem, Washington county. A public hearing on this application, after notice as required by the statute, was held by this Board in the city of Albany on October 3, 1906, at which time the evidence was closed as to all of the crossings except Nos. 5, 16 and 17, but the matter was reopened and a further hearing as to all of the crossings was held by the Board in Albany on October 17, on which latter date the hearing was closed as to all of the crossings except those numbered 16 and 17, in relation to which there is to be a further hearing before this Board in Albany on Friday, November 9, 1906.

The manner of crossing in the various instances hereinafter determined appeared to be generally satisfactory to the local authorities who were present or represented at the hearing.

After consideration of the evidence this Board hereby determines, under section 60 of the Railroad Law, that the manner in which the single track branch railroad of the Greenwich and Johnsonville Railway Company to be constructed from the village of Greenwich to the town of Salem, in Washington county, shall cross the following streets and highways in the village of Greenwich and in the towns of Easton, Jackson and Salem, Washington county, shall be as follows; the Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of pieces of highways shall be made as hereinafter set forth; this Board also hereby determines, under section 60 of the Railroad Law, that where proposed crossings hereinafter are stated to be at grade it is impracticable that they should be otherwise than at grade,—to wit:

Village of Greenwich.

1. The street known as Main street extension.

The railroad shall be carried over this street on a steel structure within the present lines of the street. The width of this undercrossing shall be thirty-eight feet. The clearance from the surface of the street to the lowest part of structure carrying the railroad shall be fourteen feet. The structure shall be supported by steel posts to be located on the curb line. The present surface of the street shall be lowered two feet at point of undercrossing.

2. The street known as Mill Hollow lane.

The railroad shall be carried over this street on a steel structure within the present lines of the street. The clear width of this undercrossing shall be sixteen feet. The clearance from the surface of the street to the lowest part of structure carrying the railroad shall be not less than fifteen feet.

3. The street known as Eddy street.

The railroad shall be carried over this street on a steel structure within the present lines of the street. The width of this undercrossing shall be forty-eight feet. The clearance from the surface of the street to the lowest part of structure carrying the railroad shall be twelve feet. The structure shall be supported by steel posts to be located twenty-four feet away from the south abutment. The abutment at the Clauson property shall not obstruct the sidewalk.

Town of Easton.

4. The highway known as the Easton-Center Falls highway.

The railroad shall be carried over the highway on a steel structure within the present lines of the highway. The clear width of this undercrossing shall be sixteen feet. The clearance from the surface of the highway to the lowest part of structure carrying the railroad shall be between twelve and thirteen feet.

Town of Jackson.

5. The highway known as the Jackson-Center Falls highway.

The railroad shall cross the highway at the grade of the highway at the present location of the highway.

6. The highway known as the Jackson-Battenville highway.

The railroad shall be carried over this highway on a steel structure. The course of the highway shall be changed as shown on a blue print map herein-after described. The clear width of this undercrossing shall be sixteen feet. The clearance from the surface of the highway to the lowest part of structure carrying the railroad shall be between twelve and thirteen feet.

7, 8, 9, 10, 11, 12 and 13.

Changes in and abandonment of pieces of highway shall be made so as to avoid crossings at these seven points, as shown on a blue print map filed with this Board by the applicant on September 22, 1906, and entitled "Map of Proposed Branch of the Greenwich and Johnsonville Railway from Greenwich to Gravel Bank Siding near Rexleigh on the Washington Branch, D. & H. R. R. showing Preliminary Survey, Profile and Projected Location. Scale 400 feet = 1 inch, September 4, 1906, Chambers & Hone, Engineers."

14 and 15. The highway known as the East Greenwich highway.

The railroad shall be carried over the highway at the point numbered fourteen, on a steel structure. The clear width of this undercrossing shall be eighteen feet. The clearance from the surface of the highway to the lowest part of the structure carrying the railroad shall be twelve feet. The course of the highway between the points numbered fourteen and fifteen shall be changed as shown on the blue print map hereinabove described.

Town of Salem.

18. The highway known as Fitch's Point to Cambridge turnpike cross road.

The railroad shall cross the highway at the grade of the highway at the present location of the highway.

19. The highway known as the Cambridge-Salem turnpike.

The highway shall be carried over the railroad on a steel bridge twenty feet wide between guard rails, with a clearance of twenty-one feet above top of rail of the railroad. The bridge shall have a wooden floor and the roadbed of the approaches to the bridge shall be twenty-five feet wide and shall have guard rails. The grades on the approaches to the bridge shall be no greater than those of the highway at present. The railroad track may cross this highway at grade temporarily for construction purposes.

20. The highway known as the Rexleigh-Salem highway.

The railroad shall cross the highway at the grade of the highway at the present location of the highway.

See determination immediately following. The work under both of these determinations is under way. (Grade Crossing Case No. 628.)

 CL.

IN THE MATTER OF THE APPLICATIONS OF THE GREENWICH & JOHNSONVILLE RAILWAY COMPANY FOR MODIFICATIONS OF THE DETERMINATION OF THIS BOARD, DATED OCTOBER 17, 1906, IN THE APPLICATION OF SAID COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, AS TO A SINGLE TRACK BRANCH RAILROAD TO BE CONSTRUCTED BY IT CROSSING STREETS AND HIGHWAYS IN WASHINGTON COUNTY.

Modified determination. January 9, 1907.

Appearances:

I. C. Blandy, president, and Herbert Van Kirk, counsel, for the applicant.
T. S. Fagan for Jesse V. Palmer and W. B. Palmer, property owners.

These applications (two petitions) by the Greenwich & Johnsonville Railway Company, under section 60 of the Railroad Law, were filed with this Board on November 24, 1906. They ask the Board to modify its determination of October 17, 1906, in the matter of the application of said company, under section 60 of the Railroad Law, as to a single track branch railroad to be constructed by said company in Washington county crossing streets and highways in the village of Greenwich and in the towns of Easton, Jackson and Salem. The first petition, which was verified November 23, 1906, asks for a modification of the determination as to crossing No. 1 in the village of Greenwich,—Main street extension. The second petition, which was verified November 24, 1906, asks for a modification of the determination in relation to crossing No. 6, known as the Jackson-Battenville highway in the town of Jackson; crossings Nos. 10 and 11 in the town of Jackson, crossings Nos. 14 and 15 in the town of Jackson.

In the determination of October 17, this Board did not determine the manner of crossing at crossings Nos. 16 and 17, and another public hearing as to crossings 16 and 17 was held before this Board in the city of Albany on November 9, 1906.

Public hearings on the applications for the modification referred to above were held by this Board in the city of Albany on November 22 and December 4, 1906. On November 22 the hearing did not proceed as the applicant had not filed the petitions for modification referred to above. On December 4 the hearing did proceed and after evidence and arguments the evidence was closed but the matter was held open.

After consideration of the evidence this Board is convinced that it should modify its determination of October 17, 1906, in the particulars hereinafter stated.

This Board, therefore, under section 60 of the Railroad Law, hereby modifies its determination in this matter dated October 17, 1906, in relation to crossings Nos. 1, 6, 10, 11, 14 and 15, and hereby determines the manner of said single track railroad crossing at crossings Nos. 16 and 17 (not determined on October 17) as hereinafter set forth, to wit: That the manner in which the single track branch railroad of the Greenwich & Johnsonville Railway Company to be constructed from the village of Greenwich to the town of Salem in Washington county shall cross the following streets and highways in the village of Greenwich and in the town of Jackson, Washington county, shall be as follows; this Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of pieces of highway shall be made as hereinafter set forth; this Board also hereby determines, under section 60 of the Railroad Law, that where proposed crossings hereinafter are stated to be at grade it is impracticable that they should be otherwise than at grade:

Village of Greenwich.

1. The street known as Main street extension. The railroad shall be carried over this street on a steel structure within the present lines of the street. The width of this undercrossing shall be thirty-eight feet. The clearance from the surface of the street to the lowest part of structure carrying the railroad shall be ten feet. The structure may be supported by steel posts to be located on the curb line. The present surface of the street shall be lowered four and one-half feet at point of undercrossing.

Town of Jackson.

6. The highway known as the Jackson-Battenville highway. The railroad shall cross the highway at the grade of the highway at the present location of the highway.

10 and 11. The railroad shall cross each of these highways at the grade of the highways at the present location of the highways.

14 and 15. The highway known as the East Greenwich highway. These crossings shall be combined and made one crossing at No. 14 by the construction of a new piece of highway between Nos. 14 and 15, and the railroad shall cross the highway at No. 14 at the grade of the highway at the present location of the highway.

16 and 17. Changes in and abandonment of pieces of highway shall be made so as to avoid crossings at these points.

This Board also hereby determines, under section 60 of the Railroad Law, in relation to crossing No. 3, mentioned in the said determination of October 17, 1906, which is the street known as Eddy street in the village of Greenwich and where the railroad is to be carried over the street, that the width of the undercrossing named, to wit, forty-eight feet, shall be measured along the line of the railroad.

See immediately preceding determination. (Grade Crossing Case No. 628.)

CII.

IN THE MATTER OF THE APPLICATION OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY (STEAM), UNDER SECTION 36 OF THE RAILROAD LAW, FOR APPROVAL OF AN INTERLOCKING SWITCH AND SIGNAL APPARATUS PROPOSED TO BE INSTALLED AT A CROSSING AT GRADE OF SAID COMPANY'S RAILROAD AND THE LEHIGH VALLEY RAILROAD JUST WEST OF THURSTON STREET, ELMIRA, AND FOR CONSENT TO THE DISCONTINUANCE OF THE FULL STOP AND CROSSING ON SIGNAL AT SAID CROSSING.

Determination. October 23, 1906.

This application, under section 36 of the Railroad Law, by The Delaware, Lackawanna and Western Railroad Company (steam), was filed with this Board on September 28, 1906. The applicant asks the Board to approve an interlocking switch and signal apparatus proposed to be installed at a point where the applicant's railroad and the Lehigh Valley railroad (steam) cross at grade just west of Thurston street, Elmira, and for consent to the discontinuance of the full stop and crossing on signal at said crossing. A blue-print plan of the apparatus proposed was submitted with the application. A report, dated October 1, 1906, was made by a civil engineer employed by this Board as to this plan. A hearing on this application was given by the Board in the city of Elmira on October 23, 1906, at which Reynolds, Stanchfield & Collin appeared for the applicant and no one else appeared. There had previously been filed with the Board a letter, dated October 9, 1906, from the Lehigh Valley Railroad Company to the effect that said application is satisfactory to it.

This Board believes it is justified in approving the proposed apparatus and consenting that the full stop and crossing on signal at this crossing be discontinued. This Board, therefore, does hereby approve, under section 36 of the Railroad Law, the interlocking switch and signal apparatus proposed to be installed at a point where the railroad of The Delaware, Lackawanna and Western Railroad Company and the Lehigh Valley railroad cross at grade just west of Thurston street, Elmira, a blue-print plan of which apparatus is with the papers on file in this case; and this Board hereby consents that the full stop and crossing on signal of locomotives and trains referred to in section 36 of the Railroad Law may be discontinued at this grade crossing of said railroads after said apparatus is installed and put in operation at this grade crossing.

This plant is nearing completion. (Case No. 3736.)

CIII.

IN THE MATTER OF THE APPLICATION OF THE NYpano RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILROAD TO BE CONSTRUCTED UPON A CHANGED ROUTE AND FOR A DETERMINATION OF THE MANNER IN WHICH A BRANCH CONNECTION OR CUT-OFF OF ITS RAILROAD TO BE CONSTRUCTED SHALL CROSS HIGHWAYS IN CHAUTAQUA COUNTY.

Determination. October 30, 1906.

Appearances:

Jerome B. Fisher and F. L. Stuart for the applicant.

E. E. Woodbury and E. Green for the town of Busti and the village of Lakewood and for the town of Harmony; W. H. Hunt and C. M. Wellman, highway commissioners of the town of Harmony, also appeared; D. A. Allen and A. L. Richardson, property owners, in relation to crossing No. 1, branch connection or cut-off, also appeared; Leon Button, supervisor of the town of Harmony, also appeared; Grant E. Neill, representing Lillian C. Neill, also appeared in relation to crossing No. 8, branch connection or cut-off; Major Stevens, president of the village of Lakewood, also appeared.

This application, by the Nypano Railroad Company, was filed with the Board on August 31, 1906. The applicant asks the Board to determine the manner in which a portion of its railroad to be constructed upon a changed route from a point near its station at Lakewood to a point near its station at Grants shall cross highways in Chautauqua county, and asks the Board to determine the manner in which a branch connection or cut-off of its railroad proposed to be constructed from a point on its railroad near Grants station to a point of connection with the railroad of the Columbus and Erie Railroad Company (whose railroad is now under construction) on the line between the States of New York and Pennsylvania, shall cross highways in Chautauqua county. A public hearing on this application, after notice as required by the statute, was held by Commissioner Baker (by delegation of the Board) in the city of Jamestown on October 11. After hearing evidence and arguments the evidence was closed but the matter was held open. At the hearing there was filed by the company blue print plans of the proposed crossings, which are the plans hereinafter referred to.

At the hearing the crossings were not taken up in the order set forth in the notices of hearing, but in this determination the order set forth in said notices is followed.

This Board hereby determines, under section 60 of the Railroad Law, that the manner in which a portion of the Nypano railroad to be constructed upon a changed route from a point near the station on said railroad at Lakewood to a point near the station on said railroad at Grants, and that the manner in which a branch connection or cut-off of the Nypano railroad to be constructed from a point on said railroad near Grants station to a point of connection with the railroad of the Columbus and Erie Railroad Company on the line between the States of New York and Pennsylvania, shall cross the following named highways (the numbers corresponding to the numbers in the notices of hearing) in Chautauqua county shall be as follows; this Board also hereby determines, under section 60 of the Railroad Law, that changes in and abandonment of highways shall be made as hereinafter set forth; this Board also hereby determines, under section 60 of the Railroad Law, that where proposed crossings hereinafter are stated to be at grade it is impracticable that they should be otherwise than at grade,—to wit:

Chautauqua County. Changed Route.

1. (Exhibit K.) Village of Lakewood: Winchester road near Lakewood station, crossing changed route of Nypano railroad at station 1,123 plus 35.

The highway on its present line shall be carried over the railroad on a steel bridge. Nearby is the Erie railroad, and the Erie Railroad Company

has agreed with the village to replace an old bridge over its railroad with a new bridge. This bridge to cross the Nypano railroad is to be connected with and to be an extension of the Erie new bridge and shall be the same in width and in all other respects including the approaches as the Erie new bridge to be constructed in accordance with said agreement. The representatives of the village expressed themselves at this hearing as satisfied with the Nypano bridge as thus proposed. A plan of this proposed Nypano overcrossing, dated March 23, 1906, and marked Exhibit K, is now on file with the Board in this matter.

2. (Exhibit J.) Village of Lakewood: Highway from Lakewood to Ashville at station 1,100 of the centre line of changed route of Nypano railroad.

The highway on its present line shall be carried under the railroad at a point shown on a plan dated October 6, 1906, and marked Exhibit J, now on file with this Board in this matter. This plan has been changed since it was first drawn, the changes being shown thereon and it is marked in red pencil "Alternate plan." The clear width of this undercrossing shall be twenty feet and the vertical clearance shall be thirteen feet or more, as shown on said plan, Exhibit J, dated October 6, 1906. The company declared at the hearing that if it is found that the undercrossing can be drained if a vertical clearance of fourteen feet is provided, said vertical clearance of fourteen feet will be provided. The company also declared at the hearing that if any quicksand is discovered in the highway changed to this undercrossing it will fill the highway with slag. The representatives of the village expressed themselves at this hearing as satisfied with this proposed undercrossing as thus proposed to be constructed.

3. (Exhibit I.) Town of Busti: Highway from Chautauqua Lake to State line at station 1,068 plus 40 of center line of changed route of Nypano railroad.

The highway on its present line shall be carried over the railroad on a steel bridge at a point shown on a plan dated October 4, 1906, and marked Exhibit I, now on file with this Board in this matter. This plan has been changed since it was first drawn, the changes being shown thereon and it is marked in red pencil "Alternate plan." The bridge shall be eighteen feet wide between guard rails, which guard rails shall be of planking two feet high. The bridge shall have a wooden floor and the planking of the floor shall be laid crosswise. The clearance of the bridge above top of rail of the railroad shall be twenty-two feet. The maximum grade on the approaches to the bridge shall be twelve per cent, which is the maximum grade of the present highway. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard rails where the embankment is higher than three feet. The representatives of the town expressed themselves at this hearing as satisfied with the proposed overcrossing as thus proposed to be constructed.

4. (Exhibit H.) Town of Busti: Cross road from highway between Chautauqua Lake and State line to Ashville at station 1,051 plus 46 of center line of changed route of Nypano railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway, at a point shown on a plan dated October 5, 1906, and marked Exhibit H, now on file with this Board in this matter. This plan is marked in red pencil "Alternate plan." but said words do not mean anything so far as this plan is concerned. The representatives of the town expressed themselves at this hearing as satisfied with this proposed grade crossing as thus proposed to be constructed.

5. (Exhibit G.) Town of Busti: Highway from Jamestown to Boomertown at station 996 plus 50 of center line of changed route of Nypano railroad;

And,

6. (Exhibit G.) Town of Busti: Highway from Boomertown to State line at station 990 plus 25 of center line of changed route of Nypano railroad.

Portions of the said two highways shall be abandoned and new pieces of highway shall be constructed at points shown on a plan not dated marked in red pencil Exhibit G, now on file with this Board in this matter. A highway overcrossing of the railroad shall be constructed at a point shown on said plan, Exhibit G. Said overcrossing shall be a steel bridge eighteen feet wide between guard-rails, which shall be of planking two feet high. The bridge shall have a wooden floor. The clearance of the bridge above top of rail of the railroad shall be twenty-two feet. The maximum grade on the approaches to the bridge shall be six per cent. The grades on the new pieces of highway shall not be greater than on the portions of existing highways to be abandoned. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard-rails where the embankment is higher than three feet. At this hearing the representatives of the town agreed that the town would procure the right of way for the extension of the new piece of highway south along the lot line of the John Card estate to an intersection with the Ashville and Sugar Grove cross-road, the railroad company to pay the cost of this right of way and to build the new piece of highway. The representatives of the town expressed themselves at this hearing as satisfied with the proposed overcrossing and the changes of highways proposed. This plan has been changed since it was first drawn, the changes being shown thereon, but it is not marked "Alternate Plan."

7. (Exhibit F.) Town of Harmony: Highway from Ashville to State Line at station 908 plus 80 of center of changed route of Nypano railroad.

And,

8. (Exhibit F.) Town of Harmony: Cross-road from Watts Flats and Blockville road at station 906 of center line of changed route of Nypano railroad.

The highway No. 7, which is the north and south highway on its present line shall be carried under the railroad at a point shown on a plan, not dated, marked Exhibit F, now on file with this Board in this matter. This plan has been changed since it was first drawn, the changes being shown thereon, and it is marked in red pencil "Alternate Plan." The clear width of this undercrossing shall be eighteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit F. The highway No. 8, which is the east and west highway, shall be abandoned at a point shown on said plan, Exhibit F, and a new piece of highway shall be constructed north of the railroad connecting this east and west highway with the north and south highway as shown on said plan, Exhibit F. The representatives of the town and B. E. Niell, representing a property owner, expressed themselves at this hearing as satisfied with the proposed undercrossing and the changes of highways proposed.

9. (Exhibit E.) Town of Harmony: Highway from Watts Flats to Blockville at station 820 plus 58.9 of center line of changed route of Nypano railroad.

The highway on its present line shall be carried over the railroad on a steel bridge at a point shown on a plan dated June 28, 1906, and marked Exhibit E, now on file with this Board in this matter. This plan has been changed since it was first drawn, the change being shown thereon, but it is not marked "Alternate Plan." The bridge shall be eighteen feet wide between guard-rails. The bridge shall have a wooden floor. The clearance of the bridge above top of rail of the railroad shall be twenty-two feet. The maximum grade on the approaches to the bridge shall be eight per cent. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard-rails where the embankment is higher than three feet. The representatives of the town expressed themselves at this hearing as satisfied with this proposed overcrossing as thus proposed to be constructed.

10. (Exhibit D.) Town of Harmony: Cross road running west from Watts Flats at station 781 plus 21 of changed route of Nypano railroad.

The railroad shall cross the highway at the grade of the highway at the present location of the highway at a point shown on a plan dated May 16, 1906, and marked Exhibit D, now on file with this Board in this matter. The representatives of the town expressed themselves at this hearing as satisfied with this proposed grade crossing as thus proposed to be constructed.

Chautauqua county. Branch connection or cut-off.

1. (Exhibit C.) Town of Harmony: Road running south from Panama and Blackville road at station 693 plus 94 of center line of said branch connection or cut-off.

The railroad shall cross the highway at the grade of the highway at the present location of the highway at a point shown on a plan dated March 27, 1906, and marked Exhibit C, now on file with this Board in this matter. The representatives of the town expressed themselves at this hearing as satisfied with this proposed grade crossing as thus proposed to be constructed.

2. (Exhibit B.) Town of Harmony: Highway from Grants to Stillwater Creek at station 658 plus 43 of center line of said branch connection or cut-off.

The railroad shall cross the highway at the grade of the highway at the present location of the highway at a point shown on a plan dated June 28, 1906, and marked Exhibit B, now on file with this Board in this matter. The representatives of the town expressed themselves at this hearing as satisfied with this proposed grade crossing as thus proposed to be constructed.

3. (Exhibit A.) Town of Harmony: Highway from Grants to Lottsville at station 636 plus 40 of center line of said branch connection or cut-off.

The highway shall be changed in location and shall be carried over the railroad at a point shown on a plan dated April 20, 1906, and marked Exhibit A, now on file with this Board in this matter, on a steel bridge sixteen feet wide between guard-rails which guard-rails shall be of planking two feet high, the bridge to have a clearance of twenty-two feet above top rail of the railroad. The bridge shall have a wooden floor. The maximum grade on the approaches to the bridge shall be eight per cent. The roadbed of the approaches to the bridge shall be twenty-four feet wide and shall have guard-rails where the embankment is higher than three feet. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit A, dated April 20, 1906. The representatives of the town expressed themselves at this hearing as satisfied with this proposed overcrossing as thus proposed to be constructed.

This work has not been begun. (Grade Crossing Case No. 626.)

 CIV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CHANGING OF THE ROSLYN ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF NORTH HEMPSTEAD, NASSAU COUNTY, TO AN OVER CROSSING.

Determination. November 1, 1906.

This petition, by The Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 16, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Roslyn road in the town of North Hempstead, Nassau county, situated at a point about fourteen hundred (1400) feet distant easterly from the Mineola station on said company's railroad, and asks this Board to determine that such crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of an overhead bridge crossing of said railroad at the location of the present grade crossing, with an approach to said proposed overhead bridge crossing from Front street. A public hearing, after notice as required by the statute, was given by this Board on this petition at Mineola on Tuesday, August 7, 1906. J. P. Keany appeared for the petitioner; Edwin C. Willett, supervisor, R. E. Allen, highway commissioner, and Monroe S. Wood, town clerk, appeared for the town of North Hempstead, in opposition; George B.

Stoddard, attorney for the highway commissioners of the town of North Hempstead, appeared in opposition; Edward Smith of the Board of Trade of Mineola appeared in opposition; Halstead Scudder, attorney for the county of Nassau, appeared neutral; William H. Haydock, Edward Frost for Thomas W. Albertson, a property owner, and Doctor Skinner also appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. The Board inspected the crossing and locality.

It does not seem to the Board that it would be justified in determining, at this time, that this crossing should be changed from grade to an overcrossing. The prayer of the petitioner is, therefore, denied.

(Grade Crossing Case No. 613.)

CV.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (STEAM) UNDER SECTION 36 OF THE RAILROAD LAW, FOR APPROVAL OF AN INTERLOCKING SWITCH AND SIGNAL APPARATUS PROPOSED TO BE INSTALLED AT A GRADE CROSSING OF THE WEST SHORE RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) AND THE LEHIGH VALLEY RAILROAD AT CANASTOTA, AND FOR CONSENT TO THE DISCONTINUANCE OF THE FULL STOP AND CROSSING ON SIGNAL OF TRAINS AND LOCOMOTIVES AT SAID CROSSING.

Determination. November 8, 1906.

This application, under section 36 of the Railroad Law, by the New York Central and Hudson River Railroad Company (steam) under section 36 of the Railroad Law, was filed with this Board on October 24, 1906. The applicant asks the Board to approve an interlocking switch and signal apparatus proposed to be installed at a point where the West Shore railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the Lehigh Valley railroad cross at grade at Canastota. A blue print plan of the apparatus proposed was submitted with the application. A report dated October 31, 1906, as to this plan, was made by a civil engineer employed by this Board. No hearing in the matter was given as there was filed with the application a copy of a letter dated May 20, 1906, from M. B. Cutter, General Manager of the Lehigh Valley Railroad Company, to A. H. Smith, Vice-President and General Manager of the New York Central and Hudson River Railroad Company stating that "I have gone over the plan and find same satisfactory and return it herewith."

This board believes that it is justified in approving the proposed apparatus and consenting that the full stop and crossing on signal at this crossing may be discontinued. This Board, therefore, hereby approves, under section 36 of the Railroad Law, the interlocking switch and signal apparatus proposed to be installed at a point where the West Shore railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the Lehigh Valley railroad cross at grade at Canastota, blue print plan of which apparatus is attached to the office original of this approval on file in this office, and this Board hereby consents that the full stop and crossing on signal of trains and locomotives, referred to in section 36 of the Railroad Law, may be discontinued at this crossing of said railroads after said apparatus is installed and put in operation at this crossing of said railroads.

This work is under contract. (Case No. 3775.)

CVI.

IN THE MATTER OF THE COMPLAINT OF JOHN H. DURYEA AGAINST THE LONG ISLAND RAILROAD COMPANY AS TO A HIGHWAY GRADE CROSSING.

November 8, 1906.

This complaint, by John H. Duryea, of Farmingdale, L. I., against The Long Island Railroad Company, was filed with this Board on October 29, 1906. It alleged that freight trains of the company unnecessarily obstructed the Main street crossing in Farmingdale. Complainant was informed of the provisions of section 421 of the Penal Code on this subject. A copy of the complaint was also sent to the company, which answered that, " . . . I beg to advise the Board in reply to this complaint that if the crossing was obstructed for the length of time mentioned by Mr. Duryea and for any period beyond the lawful five minutes limit, it is absolutely not in accordance with our instructions and that we would welcome action by the municipality if they would enforce the laws when these obstructions, in violation of our instructions, take place. I will take the matter up at once from our end of the line." A copy of this answer was sent complainant, who did not reply, and the case was closed. (Case No. 3782.)

CVII.

IN THE MATTER OF RECOMMENDATIONS OF THIS BOARD TO THE FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY AS TO PROTECTION AT CROSSINGS AT GRADE OF THE STEAM AND ELECTRIC RAILROADS OPERATED BY SAID COMPANY.

November 9, 1906.

On October 27, 1904, this Board recommended to the Fonda, Johnstown and Gloversville Railroad Company that at points where the steam and electric divisions of its railroad crossed at grade derailing switches be installed in the electric railroad. These derailing switches have been installed. (Case No. 3215.)

CVIII.

IN THE MATTER OF THE PETITION OF THE TOWN BOARD OF THE TOWN OF NEW SCOTLAND, ALBANY COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE NEW SCOTLAND AND WOLF HILL ROAD HIGHWAY GRADE CROSSING OF THE WEST SHORE RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) IN SAID TOWN TO AN UNDERCROSSING OF SAID RAILROAD.

Determination. November 9, 1906.

This petition, by the town board of the town of New Scotland, Albany county, under section 62 of the Railroad Law, was filed with this Board on August 14, 1906. It alleges that public safety requires an alteration in the manner in which a highway known as the New Scotland and Wolf Hill road highway crosses the West Shore Railroad (leased to and operated by the New York Central and Hudson Railroad Company) in said town, and asks this Board to determine that said crossing, which is now at grade, shall be changed to an undercrossing of said railroad. A public hearing on this petition, after notice as required by the statute, was held by this Board in the city of Albany on November 9, 1906. Albert Vanderpoel, supervisor, Nicholas McCulloch, town clerk, William J. Reid, John Ryall, William J. Ackerman

and Jacob M. Wright, justices of the peace, appeared for the town; W. P. Rudd appeared for the New York Central and Hudson River Railroad Company in favor of the petition. After hearing evidence and arguments the hearing was closed. The highway in question is to be made a State road.

It seems to this Board, from the evidence, that public safety requires that this crossing should be changed from grade to an undercrossing. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) by a highway known as the New Scotland and Wolf Hill road, in the town of New Scotland, Albany county, shall be changed from grade and the highway shall be carried under the said railroad, with approaches to said undercrossing, substantially as shown on a blue-print plan attached to the office original determination in this matter on file in this office and entitled, "Leased and Operated Lines—Mohawk Division—Proposed Grade Crossing Elimination—Wolf Hill road—New Scotland—Office of Res'd't. Eng. Gr. Cr. Elim.—New York, Nov. 1, 1906. Scale 1"=30'."

It is proposed to build this undercrossing so that there may be constructed two additional tracks of the railroad, two tracks now existing. This Board hereby determines that the State and town shall each bear but the statutory proportion of the cost of this undercrossing for two tracks.

Detail plans, specifications and estimate of expense for this work have been approved. (Grade Crossing Case No. 623.)

CIX.

IN THE MATTER OF THE PETITION OF THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF WAVERLY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE EAST CHEMUNG STREET GRADE CROSSING OF THE LEHIGH VALLEY RAILROAD IN SAID VILLAGE TO AN OVERCROSSING.

Determination. November 9, 1906.

This petition, by the president and trustees of the village of Waverly, under section 62 of the Railroad Law, was filed with this Board on December 11, 1905. It alleges that public safety requires that the East Chemung street grade crossing of the Lehigh Valley Railroad in said village shall be changed to an overhead bridge crossing of said railroad. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker (by delegation of the Board) in the village of Waverly on April 28, 1906. Frank A. Bell appeared for the petitioners; E. C. Clifton appeared for the Lehigh Valley Railroad Company, not in opposition; James E. Angell and Horace Rood, property owners, appeared in person. After hearing evidence and arguments the evidence was closed but the matter was held open.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioner should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Lehigh Valley Railroad by East Chemung street in the village of Waverly shall be changed from grade to an overhead bridge crossing of said railroad to be constructed at the present location of the crossing.

Detail plans, specifications and estimate of expense for this work have not yet been submitted to this Board. (Grade Crossing Case No. 576.)

CX.

IN THE MATTER OF THE PETITION OF THE TOWN BOARD OF THE TOWN OF SENNETT, CAYUGA COUNTY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE GRANT AVENUE HIGHWAY GRADE CROSSING OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD (AUBURN BRANCH) IN SAID TOWN.

Determination. November 6, 1906.

This petition, by the town board of the town of Sennett, Cayuga county, under section 62 of the Railroad Law, was filed with this Board on August 1, 1906. It alleges that public safety requires that a grade crossing of the New York Central and Hudson River Railroad (Auburn branch) by a highway known as Grant avenue in said town, situated at a point about one and one-half miles west of the Sennett station on said railroad, shall be changed from grade to an overhead bridge crossing of said railroad, the construction of a new piece of highway from Grant avenue to Phelps highway and the closing and discontinuance of the Phelps highway existing overcrossing of said railroad, and asks this Board to so determine. The grades to the Phelps highway overcrossing are prohibitive to heavy traffic. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker (by delegation of the Board) in the city of Auburn on October 25, 1906. Drummond, Drummond & Drummond appeared for the petitioners; the members of the town board were also present; Clark Phelps, a property owner, appeared in person; Peter Riley, a property owner, appeared in person; Frank Riley appeared in person as a property owner and as highway commissioner of the town; Charles Phelps, a property owner, appeared in person; Harris & Harris appeared for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the evidence was closed but the matter was held open. In a previous hearing on a different petition in relation to these crossings Commissioner Baker inspected the crossings and locality.

It seems to this Board from the evidence that public safety requires that the prayer of the petitioners should be granted. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Auburn branch of the New York Central and Hudson River Railroad by a highway known as Grant avenue in the town of Sennett, Cayuga county, situated at a point about one and one-half miles west of the Sennett station on said railroad shall be changed from grade to an overhead bridge crossing of said railroad at the present location of the crossing and that a new piece of highway shall be constructed from the Grant avenue highway to Phelps highway and that the Phelps highway existing overhead bridge crossing of said railroad shall be closed and discontinued. This Board also hereby determines, under section 62 of the Railroad Law, that during the construction of the said Grant avenue overcrossing and until it is ready for use by the public a temporary means of crossing the railroad at grade nearby shall be provided, and that the Phelps highway overhead bridge crossing shall not be closed and discontinued until the Grant avenue overhead crossing and the said new piece of highway are constructed and ready for use by the public. This Board also hereby determines, under section 62 of the Railroad Law, that a private right of way adjoining Grant avenue shall be provided for Clark Phelps, a property owner, from his land through the Nelson Beardsley estate to a connection at a point adjoining Grant avenue with the proposed new piece of highway. This Board also hereby determines, under section 62 of the Railroad Law, that these changes shall be made substantially as shown on a white print plan attached to the office original determination in this matter on file in this office, which plan is entitled "N. Y. C. & H. R. R. R. Leased and operated Lines, Western Division. Proposed Grade Crossing Elimination, Grant Avenue, Sennett. Office of Res'd't Eng'r. Gr. Cr. Elim. New York, Sept. 26, 1906. Scales indicated. Issue No. —. J. W. Pfau, Resident Engineer."

Detail plans, specifications and estimate of expense for this work have not yet been submitted to this Board. (Grade Crossing Case No. 620.)

CXI.

IN THE MATTER OF THE PETITION OF THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY, LESSOR, AND THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, LESSEE, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLOSING AND DISCONTINUANCE OF THE LACKAWANNA AVENUE GRADE CROSSING OF THE LESSOR RAILWAY IN THE TOWN OF OWEGO, TIOGA COUNTY, AND THE CONSTRUCTION OF NEW PIECES OF HIGHWAY AND AN OVERHEAD BRIDGE CROSSING OF SAID RAILWAY.

November 13, 1906.

This petition was filed with this Board on November 2, 1902. At a hearing in the matter before Commissioner Baker of this Board in the village of Owego, on November 10, 1906, the companies asked leave to withdraw the petition, which was granted by this Board on November 13, 1906. (Grade Crossing Case No. 404.)

CXII.

IN THE MATTER OF THE APPLICATION OF THE UNITED TRACTION COMPANY (STREET SURFACE), UNDER SECTION 68 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH A SECOND TRACK OF ITS RAILROAD SHALL CROSS TWO TRACKS OF THE STEAM RAILROAD OPERATED BY THE DELAWARE AND HUDSON COMPANY ON ONTARIO STREET IN THE CITY OF COHOES.

Determination. November 13, 1906.

This application, under section 68 of the Railroad Law, by the United Traction Company (street surface), was filed with this Board on October 12, 1906. It asks this Board to determine the manner in which a second track of its railroad shall cross two tracks of the steam railroad operated by The Delaware and Hudson Company on Ontario street in the city of Cohoes, one track of the applicant company's railroad now crossing said steam railroad at grade. A public hearing in this matter was held in the city of Albany on November 9, 1906, at which P. C. Dugan appeared for the applicant; no one else appeared. After hearing evidence and arguments the hearing was closed. A report in the matter, dated October 30th, was made by an engineer employed by this Board. A copy of an agreement between The Delaware and Hudson Company and the United Traction Company as to this crossing, to the effect that a second track of the applicant company may cross the steam railroad at grade, was filed with this Board.

This Board believes that it is justified in determining that the proposed crossing by the second track of the applicant company's railroad may be made at the grade of the steam railroad. This Board, therefore, under section 68 of the Railroad Law, hereby determines that a second track of the United Traction Company (street surface), shall cross two tracks of the railroad (steam) operated by The Delaware and Hudson Company on Ontario street in the city of Cohoes at the grade of said steam railroad tracks. This Board also hereby determines, under section 68 of the Railroad Law, that as a condition of this consent to said crossing at grade a derailling switch shall be constructed in the eastbound track of the United Traction Company and that a derailling switch shall be constructed in the westbound track of the United Traction Company, and that proper trough, wire or copper, shall be constructed on each of the trolley wires of the United Traction Company over the steam railroad at this point. This Board also hereby determines, under section 68 of the Railroad Law, that plans for said derailling switches and troughs shall be submitted to this Board for approval before installation.

This Board also hereby determines, under section 68 of the Railroad Law, that the entire expense of such crossing, copper troughs and derailing switches shall be borne by the United Traction Company.

This Board also hereby determines, under section 68 of the Railroad Law, that a flagman (as at present) shall be employed at this crossing by The Delaware and Hudson Company and that a flagman (as at present) shall be employed at this crossing by the United Traction Company.

This second track has not been constructed. See determination immediately following. (Case No. 3758.)

CXIII.

IN THE MATTER OF THE APPLICATION OF THE UNITED TRACTION COMPANY (STREET SURFACE), FOR A MODIFICATION OF THE DETERMINATION OF THIS BOARD, DATED NOVEMBER 13, 1906, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE MANNER IN WHICH A SECOND TRACK OF THE APPLICANT'S RAILROAD SHALL CROSS TWO TRACKS OF THE STEAM RAILROAD OPERATED BY THE DELAWARE AND HUDSON COMPANY ON ONTARIO STREET IN THE CITY OF COHOES.

Modified determination. January 9, 1907.

On November 13, 1906, this Board determined, under section 68 of the Railroad Law, that a second track of the United Traction Company's street surface railroad should cross at grade two tracks of the steam railroad operated by The Delaware and Hudson Company on Ontario street in the city of Cohoes. The last paragraph of said determination is:

"This Board also hereby determines, under section 68 of the Railroad Law, that a flagman (as at present) shall be employed at this crossing by The Delaware and Hudson Company and that a flagman (as at present) shall be employed at this crossing by the United Traction Company."

On December 13, 1906, there was filed with the Board an application by the United Traction Company that this last paragraph be eliminated from said determination of November 13th, the reason given for its elimination being that the United Traction Company and The Delaware and Hudson Company propose to protect this and other grade crossings by a system of towers, towermen, derailing switches, signals and gates during the twenty-four hours.

Under these circumstances it is unnecessary that flagmen be employed at this crossing and said determination of this Board of November 13, 1906, is hereby modified by eliminating therefrom the last paragraph thereof.

See determination immediately preceding. (Case No. 3758.)

CXIV.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE UNION RAILWAY COMPANY OF NEW YORK CITY AS TO ITS DOUBLE TRACK ELECTRIC RAILWAY CROSSING THE SINGLE TRACK OF THE POST MORRIS BRANCH OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD ON ST. ANN'S AVENUE JUST NORTH OF ONE HUNDRED AND FORTY-NINTH STREET, BOROUGH OF BRONX, NEW YORK CITY.

November 19, 1906.

See page 190, first volume 1903 report of this Board, and page 117, first volume 1904 report of this Board. The crossing was to be at grade, but inasmuch as the steam railroad tracks have been depressed the crossing is actually made on the street, which is carried over the steam railroad above grade. (Case No. 2920.)

OKV.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (STEAM), UNDER SECTION 36 OF THE RAILROAD LAW, FOR APPROVAL OF AN INTERLOCKING SWITCH AND SIGNAL APPARATUS AT A CROSSING AT GRADE OF THE NEW YORK, ONTARIO AND WESTERN RAILWAY AND THE WEST SHORE RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) AT CLARK'S MILLS, AND THE DISCONTINUANCE OF THE FULL STOP AND CROSSING ON SIGNAL OF TRAINS AND LOCOMOTIVES AT SAID CROSSING.

Determination. November 22, 1906.

This application, under section 36 of the Railroad Law, by the New York Central and Hudson River Railroad Company (steam), was filed with this Board on November 9, 1906. The applicant asks the Board to approve an interlocking switch and signal apparatus proposed to be installed at a point where the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the New York, Ontario and Western Railway cross at grade at Clark's Mills, near Utica. A blue-print plan of the apparatus proposed was submitted with the application and a report, dated November 21, 1906, as to this plan was made by a civil engineer employed by this Board. No hearing in the matter was given as there was filed with the Board a letter, dated November 10, 1906, from J. E. Childs, vice-president and general manager of the New York, Ontario and Western Railway Company, stating, "would say that the plan suggested by the New York Central has been approved by this company."

This Board believes that it is justified in approving the proposed apparatus and consenting that the full stop and crossing on signal at this crossing may be discontinued.

This Board, therefore, hereby approves, under section 36 of the Railroad Law, the interlocking switch and signal apparatus proposed to be installed at a point where the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the New York, Ontario and Western Railway cross at grade at Clark's Mills, near Utica, a blue-print plan of which apparatus is attached to the office original determination in this matter on file in this office; and this Board hereby consents that the full stop and crossing on signal of trains and locomotives referred to in section 36 of the Railroad Law may be discontinued at this crossing of said railroads after said apparatus is installed and put in operation at this crossing of said railroads.

This interlocking plant is under contract. (Case No. 3798.)

 CXVI.

IN THE MATTER OF THE APPLICATIONS OF THE TERMINAL RAILWAY OF BUFFALO, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ADDITIONAL TRACKS OF ITS RAILWAY SHALL CROSS HIGHWAYS IN THE TOWNS OF CHEEKTOWAGA AND WEST SENECA, ERIE COUNTY.

Determination. November 27, 1906.

These applications, by the Terminal Railway of Buffalo, under section 60 of the Railroad Law, were filed with this Board on October 16, 1906. The applicant asks the Board to determine the manner in which six additional tracks of its railway shall cross the French road highway, the Union road highway, the Lawson road highway, and the Rowley road highway in the town of Cheektowaga, Erie county, and as to how six additional tracks of its

railway shall cross the Clinton street highway and as to how four additional tracks of its railway shall cross the Mineral Spring road highway in the town of West Seneca, Erie county. A public hearing in the matter of these applications (they being heard together), after notice as required by the statute, was held by this Board in the city of Buffalo, on November 27, 1906. Pooley & Spratt appeared for the applicant; John W. Fisher appeared for the towns of Cheektowaga and West Seneca; Roland Crangle appeared for property owners in the town of West Seneca. After hearing evidence and arguments in the Cheektowaga case the Board dismissed the petitions in both cases, as they state that the applicant desires that the additional tracks shall cross said highways at grade—the Board believing that such additional grade crossings should not be made.

At the time of writing this report another application by this company as to these crossings is pending before this Board. (Grade Crossing Case No. 640.)

CXVII.

IN THE MATTER OF THE APPLICATIONS OF THE TERMINAL RAILWAY OF BUFFALO, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ADDITIONAL TRACKS OF ITS RAILWAY SHALL CROSS HIGHWAYS IN THE TOWNS OF CHEEKTOWAGA AND WEST SENECA, ERIE COUNTY.

Determination. November 27, 1906.

These applications, by the Terminal Railway of Buffalo, under section 60 of the Railroad Law, were filed with this Board on October 16, 1906. The applicant asks the Board to determine the manner in which six additional tracks of its railway shall cross the French road highway, the Union road highway, the Lawson road highway, and the Rowley road highway in the town of Cheektowaga, Erie county, as to how six additional tracks of its railway shall cross the Clinton street highway and as to how four additional tracks of its railway shall cross the Mineral Spring road highway in the town of West Seneca, Erie county. A public hearing in the matter of these applications (they being heard together), after notice as required by the statute, was held by this Board in the city of Buffalo on November 27, 1906. Pooley & Spratt appeared for the applicant; John W. Fisher appeared for the towns of Cheektowaga and West Seneca; Roland Crangle appeared for property owners in the town of West Seneca. After hearing evidence and arguments in the Cheektowaga case the Board dismissed the petitions in both cases, as they state that the applicant desires that the additional tracks shall cross said highways at grade—the Board believing that such additional grade crossings should not be made.

At the time of writing this report another application by this company as to these crossings is pending before this Board. (Grade Crossing Case No. 639.)

CXVIII.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE SOUTH COUNTRY ROAD GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF ISLIP, SUFFOLK COUNTY, SITUATED AT A POINT ABOUT TWO THOUSAND TWO HUNDRED AND EIGHTY-FOUR (2,284) FEET DISTANT EASTERLY FROM THE GREAT RIVER STATION ON SAID COMPANY'S RAILROAD.

Determination. December 4, 1906.

This petition, by The Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on July 5, 1906. It alleges

that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the South Country road in the town of Islip, Suffolk county, situated at a point about two thousand two hundred and eighty-four (2,284) feet distant easterly from the Great River station on said company's railroad and asks this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of an overhead bridge crossing of said railroad proposed to be constructed at the point of the present grade crossing. A public hearing on this petition, after notice as required by the statute, was held by Commissioners Baker, Dickey and Rockwell of this Board at the Oakdale station on the Long Island railroad on August 8, 1906. J. F. Keany appeared for the petitioner; Julius Hauser, supervisor, and Ralph C. Greene, specially, appeared for the town board of the town of Islip, in opposition. Mr. Greene objected to the sufficiency of notice under the statute and without the taking of evidence the hearing was adjourned to a date to be thereafter fixed. Subsequently and on November 21, 1906, a further hearing in this matter, at which all the Commissioners were present, was held by this Board in the city of New York, at which J. F. Keany appeared for the petitioner and Ralph C. Greene appeared for the town board of the town of Islip. After hearing arguments on this date the hearing was closed, but the matter was held open. There has been no evidence taken as to this crossing.

It does not seem to the Board that it would be justified in determining at this time that this crossing should be changed from grade to an overcrossing. The prayer of the petitioner is, therefore, hereby denied. (Grade Crossing Case No. 604.)

CXIX.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE OLD POND ROAD GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF ISLIP, SUFFOLK COUNTY.

Determination. December 4, 1906.

This petition, by The Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on June 9, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Old Pond road in the town of Islip, Suffolk county, situated at a point about eight thousand six hundred and sixty (8,660) feet distant easterly from the Great River station on said company's railroad and asks this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of a new piece of highway on the north side of the railroad to extend from the Old Pond road to the South Country road and the travel to cross the railroad on an overhead bridge proposed to be constructed substantially at the location of the present South Country road grade crossing of said railroad, which is the next crossing west of the Old Pond road crossing. A public hearing on this petition, after notice as required by the statute, was held by Commissioners Baker, Dickey and Rockwell of this Board at the Oakdale station of the Long Island railroad on August 8, 1906. J. F. Keany appeared for the petitioner; Julius Hauser, supervisor, and Ralph C. Greene, specially, appeared for the town board of the town of Islip, in opposition. Mr. Greene objected to the sufficiency of notice under the statute, and without the taking of evidence the hearing was adjourned to a date to be thereafter fixed. Subsequently and on November 21, 1906, a further hearing in this matter, at which all the Commissioners were present, was held by this Board in the city of New York, at which J. F. Keany appeared for the petitioner and Ralph C. Greene appeared for the town board of the town of Islip. After hearing arguments on this date the hearing was closed, but the matter was held open. There has been no evidence taken as to this crossing.

The situation in this locality is such that the Board does not feel justified at this time in granting the prayer of the petitioner in this matter. The prayer of the petitioner is, therefore, hereby denied.

This Board on this date has denied two other petitions of this company as to overcrossings in the vicinity of the change proposed by this petition. (Grade Crossing Case No. 598.)

CXX.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE SOUTH COUNTRY ROAD GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF ISLIP, SUFFOLK COUNTY, SITUATED AT A POINT ABOUT SEVEN THOUSAND FIVE HUNDRED AND THIRTY (7,530) FEET DISTANT EASTERLY FROM THE GREAT RIVER STATION ON SAID COMPANY'S RAILROAD.

Determination. December 4, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on June 9, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the South Country road in the town of Islip, Suffolk county, situated at a point about seven thousand five hundred and thirty (7,530) feet distant easterly from the Great River station on said company's railroad and asks this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom to an overhead bridge crossing of said railroad to be located substantially at the point of the present grade crossing. A public hearing on this petition, after notice as required by the statute, was held by Commissioners Baker, Dickey and Rockwell of this Board on August 8, 1906, at the Oakdale station on the Long Island Railroad. J. F. Keany appeared for the petitioner; Julius Hauser, supervisor, and Ralph G. Greene, specially, appeared for the town board of the town of Islip, in opposition. Mr. Greene objected to the sufficiency of notice under the statute and without the taking of evidence the hearing was adjourned to a date to be thereafter fixed. Subsequently and on November 21, 1906, a further hearing in this matter, at which all the commissioners were present, was held by this Board in the city of New York, at which J. F. Keany appeared for the petitioner and Ralph G. Greene appeared for the town board of the town of Islip. After hearing arguments on this date the hearing was closed, but the matter was held open. There has been no evidence taken as to this crossing.

It does not seem to the Board that it would be justified in determining at this time that this crossing should be changed from grade to an overcrossing. The prayer of the petitioner is, therefore, hereby denied. (Grade Crossing No. 597.)

CXXI.

IN THE MATTER OF THE PETITION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF OSWEGO, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE WEST BRIDGE STREET GRADE CROSSING OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD (OSWEGO AND SYRACUSE RAILROAD).

December 4, 1906.

This petition was filed with this Board on June 4, 1903, and was dismissed on December 4, 1906, as the railroad no longer exists at the point in question. No hearing in the matter had been held. (Grade Crossing Case No. 436.)

CXXII.

IN THE MATTER OF THE PETITION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF ONEIDA, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE SENECA TURNPIKE GRADE CROSSING OF THE NEW YORK, ONTARIO AND WESTERN RAILWAY IN SAID CITY TO AN OVERHEAD BRIDGE CROSSING.

December 4, 1906.

This petition was filed with this Board on June 18, 1904, and was dismissed on December 4, 1906, without prejudice to its renewal, as the overhead crossing if constructed would be partly in the town of Vernon, Oneida county. No hearing in the matter had been held. The city was notified that if the petition was renewed said town should join therein or file a separate petition. (Grade Crossing Case No. 495.)

CXXIII.

IN THE MATTER OF THE PETITION OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, LESSEE, AND THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY, LESSOR, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO GRADE CROSSINGS OF THE LESSOR RAILROAD IN THE VILLAGE OF ELMIRA HEIGHTS.

Determination. December 4, 1906.

This petition, by the Delaware, Lackawanna and Western Railroad Company, lessee, and the New York, Lackawanna and Western Railway Company, lessor, under section 62 of the Railroad Law, was filed with this Board on June 19, 1902. It alleges that public safety requires that the Fourteenth street grade crossing of the New York, Lackawanna and Western Railway shall be changed to an undercrossing; that the Hawley street grade crossing of said railway, and the grade crossing of said railway next north of the Hawley street grade crossing, and the grade crossing of said railway at Eleventh street, and the Grand Central avenue grade crossing of said railway shall be closed and discontinued, and that Grand Central avenue shall be extended on the easterly side of said railway to Sheridan avenue, all in the village of Elmira Heights. A public hearing on this petition, after notice as required by the statute, was held by Commissioner Baker (by delegation of the Board) in the village of Elmira Heights on September 9, 1902. Frederick Collin appeared for the petitioners; George McCann appeared for the village of Elmira Heights, in opposition; William R. Compton, a property owner, appeared in person, not in opposition to the proposed undercrossing at Fourteenth street, but in opposition to the closing of the other crossings named. After hearing evidence and arguments the evidence was closed, but the matter was held open, pending a proposition to be made by the village of Elmira Heights to the Delaware, Lackawanna and Western Railroad Company, lessee, with a view of locating an undercrossing of the railroad between Grand Central avenue and Fourteenth street. Commissioner Baker inspected the crossings in question. Subsequently those who appeared at this hearing were notified that a further hearing would be held before this Board in the city of Corning on July 10, 1906, at which further hearing the evidence might be reopened. It was understood that the proposition referred to above of the village of Elmira Heights had been agreed upon between it and the Delaware, Lackawanna and Western Railroad Company. The further hearing was held in Corning on July 10, 1906, before Commissioners Dunn, Baker, Dickey and Rockwell of this Board, at which Frederick Collin appeared for the petitioners, and George McCann for the village of Elmira Heights. It appeared at that time that the company and the village had not agreed as to what action to ask the Board to take in this petition, and the hearing was adjourned to a date to be thereafter fixed.

No further hearing was held.

It does not appear to this Board that a further hearing in this matter should be held, but that if a proposition as to these crossings should be agreed upon between the village and the company in the future, a new petition can be made to this Board. The prayer of this petition is, therefore hereby denied. (Grade Crossing Case No. 384.)

CXXIV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE ST. ANDREW'S ROAD HIGHWAY GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY.

Determination. December 4, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on September 24, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as St. Andrew's road in the town of Southampton, Suffolk county, situated at a point about one thousand nine hundred and eighty-five (1,985) feet east of the Golf Grounds station on said railroad, and asks this Board to determine that said crossing shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad proposed to be constructed at a point about two hundred and forty (240) feet east of the present existing grade crossing, and asks this Board to determine that said new pieces of highway and said undercrossing of said railroad shall be constructed.

A public hearing on this petition, after notice as required by the statute, was held by Commissioners Baker, Dickey and Rockwell of this Board at the Shinnecock Hills station on the Long Island Railroad on November 1, 1906. J. F. Keany appeared for the petitioner; Thomas W. Lister, supervisor of the town, Edward H. Foster and Marcus E. Griffin, justices of the peace of the town, and E. P. Rogers and F. B. Phillips, highway commissioners of the town, appeared for the town of Southampton; William C. Redfield, president of the Shinnecock Hills and Peconic Bay Realty Company, appeared for that company; William C. Green also appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. There was a question at this hearing as to whether the highway named was a public highway, but there was subsequently filed with the Board a letter dated November 21, 1906, from Mr. Redfield, who appeared at this hearing, to the effect that he was authorized to state to the Board that the town board of Southampton accepts the St. Andrews road highway as a public highway.

It seems to this Board, from the evidence, that public safety requires that this crossing should be closed and discontinued and the new pieces of highway and new undercrossing of the railroad should be constructed.

This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as the St. Andrew's road in the town of Southampton, Suffolk county, situated at a point about one thousand nine hundred and eighty-five (1,985) feet east of the Golf Grounds station on said railroad shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad, said undercrossing to be located at a point about two hundred and forty (240) feet east of the present existing grade crossing, which new pieces of highway and undercrossing of said railroad, this Board hereby determines, under section 62 of the Railroad Law, shall be constructed, substantially as shown by a blue print plan filed with this Board at the hearing in this matter on.

November 1, 1906, and which is attached to the office original determination in this matter on file in this office.

This Board also hereby determines, under section 62 of the Railroad Law, that the said grade crossing of said railroad shall not be closed and discontinued until the said new pieces of highway and said undercrossing of said railroad are constructed and ready for use by the public.

Plans, specifications, estimate of expense and proposals of contractor for the bridge have been approved. (Grade Crossing Case No. 633.)

CXXV.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO A GRADE CROSSING OF ITS RAILROAD BY A HIGHWAY KNOWN AS NORTH HIGHWAY OR CHERRY TREE ROAD IN THE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY.

Determination. December 4, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on September 24, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as North highway or Cherry Tree road in the town of Southampton, Suffolk county, situated at a point about nine thousand four hundred and forty (9,440) feet east of the Good Ground station on said railroad, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad proposed to be constructed at a point about seventy-five (75) feet east of the said existing grade crossing, and asks this Board to determine that said new pieces of highway and said undercrossing of said railroad shall be constructed.

A public hearing on this petition after notice as required by the statute, was held by Commissioners Baker, Dickey, and Rockwell of this Board at the Shinnecock Hills station on the Long Island Railroad on November 1, 1906; J. F. Keany appeared for the petitioner; Thomas W. Lister, supervisor of the town, Edward H. Foster and Marcus E. Griffin, justices of the peace of the town, and E. P. Rogers and F. B. Phillips, highway commissioners of the town, appeared for the town of Southampton; William C. Redfield, president of the Shinnecock Hills and Peconic Bay Realty Company, appeared for that company; William C. Green also appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. There was a question at this hearing as to whether the highway named was a public highway, but there was subsequently filed with the Board a letter dated November 21, 1906, from Mr. Redfield, who appeared at this hearing, to the effect that he was authorized to state to the Board that the town board of Southampton accepts the North highway as a public highway.

It seems to this Board from the evidence that public safety requires that this crossing should be closed and discontinued and the new pieces of highway and new undercrossing of the railroad should be constructed.

This Board, therefore, hereby determines under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as the North highway or Cherry Tree road in the town of Southampton, Suffolk county, situated at a point about nine thousand four hundred and forty (9,440) feet east of the Good Ground station on said railroad shall be closed and discontinued, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad, said undercrossing to be located at a point about seventy-five (75) feet east of the said existing grade crossing, which new pieces of highway and undercrossing of said railroad this Board hereby determines, under section 62 of the Railroad Law shall be constructed substantially as shown by a blue print

plan filed with this Board at the hearing in this matter on November 1, 1906, and which is attached to the office original determination in this matter on file in this office.

This Board also hereby determines, under section 62 of the Railroad Law, that the said grade crossing of said railroad shall not be closed and discontinued until the said new pieces of highway and said undercrossing of said railroad are constructed and ready for use by the public.

Plans, specifications, estimate of expense and proposals of contractor for the bridge have been approved. (Grade Crossing Case No. 631.)

CXXVI.

IN THE MATTER OF THE PETITION OF THE LONG ISLAND RAILROAD COMPANY,
UNDER SECTION 62 OF THE RAILROAD LAW, AS TO THE CLAY PIT ROAD HIGH-
WAY GRADE CROSSING OF ITS RAILROAD IN THE TOWN OF SOUTHAMPTON,
SUFFOLK COUNTY.

Determination. December 4, 1906.

This petition, by the Long Island Railroad Company, under section 62 of the Railroad Law, was filed with this Board on September 19, 1906. It alleges that public safety requires the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Clay Pit road highway in the town of Southampton, Suffolk county, situated at a point about one hundred and sixty (160) feet west of the Shinnecock Hills station on said railroad, the travel thereon to be diverted therefrom by the existing Clay Pit road highway and by other existing highways to an undercrossing of said railroad proposed to be constructed at a point about two hundred (200) feet west of the existing grade crossing, with approaches to said undercrossing, and asks this Board to determine that said undercrossing and approaches thereto shall be constructed. In a letter dated September 17, 1906, accompanying the petition it is stated that neither the town nor the state will be called upon to pay any of the cost.

A public hearing on this petition after notice as required by the statute, was held by Commissioners Baker, Dickey, and Rockwell of this Board at the Shinnecock Hills station on the Long Island Railroad on November 1, 1906; J. F. Keany appeared for the petitioner; Thomas W. Lister, supervisor of the town, Edward H. Foster and Marcus T. Griffin, justices of the peace of the town, and E. P. Rogers and F. B. Phillips, highway commissioners of the town, appeared for the town of Southampton; William C. Redfield, president of the Shinnecock Hills and Peconic Bay Realty Company, appeared for that company; William C. Green also appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. At this hearing there was filed with the Board a blue print plan showing changes in the highways leading to the proposed undercrossing and it is this plan which is adopted by this Board in making this determination.

It seems to this Board from the evidence that public safety requires that this crossing should be closed and discontinued and an undercrossing and approaches thereto should be constructed. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the Long Island Railroad by a highway known as Clay Pit road highway in the town of Southampton, Suffolk county, situated at a point about one hundred and sixty (160) feet west of the Shinnecock Hills station on said railroad, shall be closed and discontinued, the travel thereon to be diverted therefrom by new pieces of highway to be constructed to an undercrossing of said railroad, which this Board hereby determines, under section 62 of the Railroad Law, shall be constructed at a point about two hundred (200) feet west of the said existing grade crossing, with approaches to said undercrossing, which approaches this Board also hereby determines under section 62 of the Railroad Law, shall be constructed to said undercrossing on each side of the

railroad, substantially as shown by a blueprint plan filed with this Board at the hearing in this matter on November 1, 1906, and which is attached to the office original determination in this matter, on file in this office.

This Board also hereby determines, under section 65 of the Railroad Law, that none of the cost of the work under this determination shall be borne by the state or by the town of Southampton, Suffolk county.

This Board, under section 62 of the Railroad Law, also hereby determines, that the said grade crossing of said railroad shall not be closed and discontinued until the said undercrossing and approaches thereto are constructed and ready for use by the public.

Plans, specifications, estimate of expense and proposals of contractor for the bridge have been approved. (Grade Crossing Case No. 630.)

CXXVII.

IN THE MATTER OF THE PETITION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER, UNDER SECTION 62 OF THE RAILROAD LAW, AS TO CHANGING THE CULVER ROAD HIGHWAY GRADE CROSSING OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD IN SAID CITY TO AN UNDERCROSSING

Determination. December 5, 1906.

This petition by the mayor and common council of the city of Rochester, under section 62 of the Railroad Law, was filed with this Board on July 10, 1906. Subsequently an additional petition in this matter was filed by the mayor and common council, but this hearing and the proceedings were on the petition filed July 10. The petition of July 10 alleges that public safety requires an alteration in the manner in which a street known as the Culver road in the city of Rochester crosses the New York Central and Hudson River Railroad and asks this Board to determine that said crossing which is now at grade shall be changed from grade to an undercrossing of said railroad. A public hearing on this petition, after notice as required by the statute, was held by this Board in the city of Rochester, September 19, 1906, at which John M. Stull, assistant corporation counsel, appeared for the petitioners, and Harris & Harris appeared for the New York Central and Hudson River Railroad Company. Adjourned hearings were held, in Rochester on September 20, in Buffalo on November 27, in Albany on December 4, and in Albany on December 5, the appearances being the same. After hearing evidence and arguments on December 5 the hearing was closed.

It seems to this Board from the evidence that public safety requires that this crossing shall be changed from grade to an undercrossing of the railroad. This Board, therefore, hereby determines, under section 62 of the Railroad Law, that the crossing at grade of the New York Central and Hudson River Railroad by the street known as Culver street in the city of Rochester shall be changed from grade to an undercrossing of said railroad substantially as shown on a blue print general plan attached to the office original determination in this matter on file in this office, which plan is marked: "N. Y. C. & H. R. R. R. Leased and Operated Lines, Western Division. Proposed grade crossing elimination. Culver Road, Rochester. Office of Res't. Eng'r. Gr. Cr. Elim. New York, November 21—1906. Scale: 1"—50'. Issue No. 2, J. W. Pfau, Resident Engineer."

This Board also hereby approves an estimate of the expense of said work amounting to two hundred thousand dollars (\$200,000), which is attached to said blue print general plan and to the office original determination in this matter on file in this office.

Detail plans, specifications and proposals of contractors for this work have not yet been submitted to this Board. (Grade Crossing Case No. 611.)

CXXVIII.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE UTICA AND MOHAWK VALLEY RAILWAY COMPANY (STREET SURFACE) - FOR ITSELF AND THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY (STEAM).

Determination. December 5, 1906.

This application, under section 68 of the Railroad Law, by the Utica and Mohawk Valley Railway Company (street surface) for itself and the New York, Ontario and Western Railway Company (steam) was filed with this Board on November 28, 1906. It asks this Board to determine the manner in which a switch track of the New York, Ontario and Western Railway shall cross the railway of the Utica and Mohawk Valley Railway Company in the extension of Utica street in the town of Kirkland, Oneida county, and to determine the manner in which the railway of the Utica and Mohawk Valley Railway Company shall cross a switch track of the New York, Ontario and Western Railway Company at another point in the extension of Utica street in the town of Kirkland, Oneida county. the said last named crossing now existing at grade without the consent of this Board. Subsequently there was filed with the Board by the New York, Ontario and Western Railway Company a separate petition as to the crossing which its switch track proposed to make of the Utica and Mohawk Valley Railway. There were filed with the Board copies of agreements between the companies as to both of the crossings in question, these agreements providing for crossings in both cases at grade and for derailing switches in the track of the New York, Ontario and Western Railway on either side of the Utica and Mohawk Valley Railway at the New York, Ontario and Western Railway crossing, and for derailing switches in the tracks of the Utica and Mohawk Valley Railway on either side of the New York, Ontario and Western Railway at the Utica and Mohawk Valley Railway crossing.

After consideration, this Board believes it is justified in determining that these crossings may be made at grade. This Board, therefore, hereby determines, under section 68 of the Railroad Law, that a switch track of the New York, Ontario and Western Railway Company shall cross the railway of the Utica and Mohawk Valley Railway Company in the extension of Utica street in the town of Kirkland, Oneida county, at the grade of said Utica and Mohawk Valley Railway, and that the railway of the Utica and Mohawk Valley Railway Company shall cross a switch track of the New York, Ontario and Western Railway Company at another point in the extension of Utica street in the town of Kirkland, Oneida county (the said last named crossing now existing at grade without the consent of this Board), at the grade of said switch track of the New York, Ontario and Western Railway Company—upon condition that the provisions of the said agreements as to derailing switches shall be complied with. This Board also hereby determines under section 68 of the Railroad Law that the expense of said crossings in each case shall be borne as provided in said agreements.

These crossings have been constructed. (Case No. 3832.)

CXXIX.

IN THE MATTER OF THE APPLICATION OF THE CHAUTAUQUA TRACTION COMPANY (STREET SURFACE) UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS SINGLE TRACK RAILROAD CROSSING THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY (STEAM) IN PORTAGE STREET IN THE VILLAGE OF WESTFIELD.

Determination. December 5, 1906.

This application, under section 68 of the Railroad Law, by The Chautauqua Traction Company (street surface) was filed with this Board on October 2, 1906. It asks this Board to determine whether the single track railroad

of the applicant shall cross the Lake Shore and Michigan Southern Railway (steam) in Portage street in the village of Westfield above, below or at the grade of said steam railway, the petition proposing that the crossing be made on an existing bridge carrying Portage street over the steam railway. Public hearings in this matter were held by this Board in the city of Buffalo on October 12 and November 13, 1906. J. B. Fisher appeared for the applicant; Lockwood, Hoyt & Greene appeared for The Lake Shore and Michigan Railway Company in opposition to the use by the applicant's railroad of the said bridge. At the hearing on November 13th, the matter was held open pending decision by this Board of a question raised by Mr. Hoyt as to the applicant applying to the courts under section 12 of the Railroad Law before this Board decides this matter. This Board has decided in this case that it may determine this matter prior to such application to the courts.

This Board hereby determines, under section 68 of the Railroad Law, that the single track street surface railroad of The Chautauqua Traction Company shall cross the steam railway of The Lake Shore and Michigan Southern Railway Company in Portage street in the village of Westfield above the grade of said steam railway.

This Board also hereby determines, under section 68 of the Railroad Law, that such expense as there may be connected with such crossing shall be borne by The Chautauqua Traction Company.

This crossing has not yet been made. (Case No. 3743.)

CXXX.

IN THE MATTER OF THE APPLICATION OF THE HIGHWAY COMMISSIONER OF THE TOWN OF UNION, BROOME COUNTY, UNDER SECTION 61 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO WHETHER A NEW HIGHWAY IN SAID TOWN, RUNNING NORTH FROM THE MAIN RIVER ROAD THROUGH LANDS OF THE ENDICOTT LAND COMPANY, TO BE KNOWN AS MCKINLEY AVENUE, SHALL CROSS THE ERIE RAILROAD OVER, UNDER OR AT THE GRADE OF SAID RAILROAD.

December 6, 1906.

See page 66, first volume of the report of this Board for 1905. The crossing is to be an overcrossing and is nearly completed. There has been delay in the completion of this work. (Grade Crossing Case No. 537.)

CXXXI.

IN THE MATTER OF THE APPLICATION OF THE VILLAGE OF LYONS FALLS, UNDER SECTION 61 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO WHETHER A CONTINUATION OF CHARLOTTE STREET IN SAID VILLAGE SHALL CROSS THE UTICA AND BLACK RIVER RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) OVER, UNDER OR AT THE GRADE OF SAID RAILROAD.

December 6, 1906.

See page 96, first volume of the report of this Board for 1905. This Board determined that the crossing should be an overcrossing of the railroad. Nothing has been done toward the construction of this overcrossing. This matter will not be again referred to in the annual reports. (Grade Crossing Case No. 544.)

CXXXII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND LONG ISLAND TRACTION COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO WHETHER ITS SINGLE-TRACK ELECTRIC RAILROAD SHOULD CROSS THE LONG ISLAND RAILROAD (STEAM) AT FOUR POINTS, ABOVE, BELOW OR AT THE GRADE OF SAID STEAM RAILROAD.

December 6, 1906.

See page 90, first volume of the report of this Board for 1905. The overcrossing at Mineola has not yet been constructed. This matter will not be again referred to in the annual reports. (Case No. 2981.)

CXXXIII.

IN THE MATTER OF THE APPLICATION OF THE HUDSON VALLEY RAILWAY COMPANY (STREET SURFACE, ELECTRIC), UNDER SECTION 68 OF THE RAILROAD LAW, AS TO CROSSING THE STEAM RAILROAD OPERATED BY THE DELAWARE AND HUDSON COMPANY IN BROADWAY IN THE VILLAGE OF FORT EDWARD.

December 6, 1906.

See page 94, first volume of the report of this Board for 1905. The crossing at grade still exists. This matter will not be again referred to in the annual reports unless steps are taken as to changing the crossing from grade. (Case No. 2685.)

CXXXIV.

IN THE MATTER OF THE APPLICATION OF THE CITY OF NEW YORK, UNDER SECTION 61 OF THE RAILROAD LAW, FOR A DETERMINATION AS TO WHETHER EAST ONE HUNDRED AND SIXTY-SEVENTH STREET IN THE BOROUGH OF THE BRONX IN SAID CITY SHALL CROSS THE NEW YORK AND HARLEM RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY), OVER, UNDER OR AT THE GRADE OF SAID RAILROAD.

December 6, 1906.

See page 94, first volume of the report of this Board for 1905. The determination was that a foot-bridge should be constructed. It has not been, and at the time of writing this report an application from the city for a vehicle and pedestrian bridge at this point is pending before this Board. (Grade Crossing Case No. 529.)

CXXXV.

IN THE MATTER OF THE APPLICATION OF THE ONEIDA RAILWAY COMPANY, UNDER SECTION 68 OF THE RAILROAD LAW, AS TO ITS DOUBLE-TRACK ELECTRIC RAILWAY CROSSING THE WEST SHORE RAILROAD (STEAM — LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) ON LENOX AVENUE (OTHERWISE CALLED THE CLOCKVILLE ROAD) IN THE CITY OF ONEIDA.

December 6, 1906.

See page 53, first volume of the report of this Board for 1905. The street railroad is not yet constructed in the undercrossing in question. This matter will not be again referred to in the annual reports. (Case No. 2782.)

CXXXVI.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY (STEAM-ELECTRIC) AS TO ITS RAILROAD CROSSING THE CAYUGA DIVISION OF THE LEHIGH VALLEY RAILROAD IN AUBURN.

December 6, 1906.

See page 93, first volume of the report of this Board for 1905. This crossing, which is to be an overcrossing, has not yet been constructed. (Case No. 3292.)

CXXXVII.

IN THE MATTER OF THE APPLICATION OF THE TUNESASSA AND BRADFORD RAILROAD COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS SINGLE-TRACK RAILROAD SHALL CROSS HIGHWAYS IN THE COUNTY OF CATTARAUGUS.

December 6, 1906.

See page 101, first volume of the report of this Board for 1905. These crossings have been constructed. (Grade Crossing Case No. 566.)

CXXXVIII.

IN THE MATTER OF THE APPLICATIONS OF THE BUFFALO AND SUSQUEHANNA RAILWAY COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, FOR A DETERMINATION OF THE MANNER IN WHICH ITS RAILWAY SHALL CROSS STREETS, AVENUES AND HIGHWAYS.

December 6, 1906.

In the 1904 and 1905 reports of this Board, under the title "Crossings," will be found determinations and modified determinations as to these crossings. They have been completed, but the completed work has not been approved by this Board. (Grade Crossings Cases Nos. 478, 479, 480 and 481.)

CXXXIX.

IN THE MATTER OF A CROSSING AT GRADE OF THE TARRYTOWN, WHITE PLAINS AND MAMARONECK RAILWAY AND THE NEW YORK AND HARLEM RAILROAD (LEASED TO AND OPERATED BY THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY) ON RAILROAD AVENUE IN WHITE PLAINS.

December 6, 1906.

See page 103, first volume of the report of this Board for 1905. The switches and signals at this crossing have not been constructed. The matter of changing this crossing from grade to an undercrossing of the steam railroad is still pending before this Board. This particular matter will not be again referred to in the annual reports. (Case No. 2229.)

CXL.

IN THE MATTER OF THE APPLICATION, UNDER SECTION 68 OF THE RAILROAD LAW, OF THE ITHACA-CORTLAND TRACTION COMPANY (STREET SURFACE, ELECTRIC), AS TO CROSSING THE AUBURN BRANCH OF THE LEHIGH VALLEY RAILROAD COMPANY (LEHIGH AND NEW YORK RAILROAD, LESSOR, STEAM) IN THE VILLAGE OF DRYDEN.

December 6, 1906.

See page 64, first volume of the report of this Board for 1905. This crossing has not yet been constructed. This matter will not be again referred to in the annual reports. (Case No. 3127.)

CXLI.

IN THE MATTER OF THE APPLICATIONS OF THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, UNDER SECTION 60 OF THE RAILROAD LAW, AS TO A SECOND TRACK OF ITS RAILWAY CROSSING STREETS, AVENUES AND HIGHWAYS.

December 6, 1906.

See page 105, first volume of the report of this Board for 1905. The construction of the second track at the crossings in question is not entirely completed. (Grade Crossing Cases Nos. 445, 446 and 447.)

CXLI.

IN THE MATTER OF THE APPLICATION OF THE UTICA AND MOHAWK VALLEY RAILWAY COMPANY (STREET SURFACE, ELECTRIC), UNDER SECTION 68 OF THE RAILROAD LAW, AS TO THE CONSTRUCTION OF A SECOND TRACK OF ITS RAILWAY ACROSS THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD (STEAM) IN GENESEE STREET IN THE TOWN OF NEW HARTFORD, ONEIDA COUNTY.

December 6, 1906.

See page 105, first volume of the report of this Board for 1905. At the time of writing this report, the second track has not been constructed at this crossing. This matter will not be again referred to in the annual reports. (Case No. 3010.)

CXLI.

IN THE MATTER OF THE APPLICATION OF THE ERIE RAILROAD COMPANY (STEAM), UNDER SECTION 36 OF THE RAILROAD LAW, FOR APPROVAL OF AN INTERLOCKING SWITCH AND SIGNAL APPARATUS PROPOSED TO BE INSTALLED AT A GRADE CROSSING OF THE ERIE RAILROAD AND THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD (STEAM) EAST OF THE STATION IN BINGHAMTON.

December 6, 1906.

See page 76, first volume of the report of this Board for 1905. This interlocking plant has been constructed and is in operation. (Case No. 3237.)

Decisions of Courts as to Questions Arising Under the Grade Crossing Law.

I.

SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT.

In the Matter of the Petition of THE DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY, Respondent, Under Section 62 of the Railroad Law, as to a Highway Grade Crossing of the Railroad Operated by said Company in the Town of Vestal, Broome County. JACOB B. CRANE, Appellant.

Decided November Term, 1906.

APPEAL by Jacob B. Crane from a decision made by the Board of Railroad Commissioners, April 24, 1906, determining that the crossing at grade of the railroad operated by The Delaware, Lackawanna & Western Railroad Company by a highway in the town of Vestal, Broome county, which highway grade crossing is located just north of the Vestal station on said railroad, shall be changed from grade to an under crossing and that said highway shall be carried under said railroad at said point in an under crossing.

COCHRANE, J. Under section 62 of the Railroad Law (Laws of 1890, chap. 565 as amended) The Delaware, Lackawanna & Western Railroad Company instituted this proceeding before the Board of Railroad Commissioners for the purpose of changing a highway which crosses its railroad at grade near its station of Vestal, in the town of Vestal, Broome county, so that said highway may pass beneath the tracks of said railroad and such grade crossing be abolished. The appellant, Jacob B. Crane, is the owner of a feed mill and other property located in one of the angles formed by the intersection of the railroad with the highway, and by the provisions of the statute referred to is a necessary party to this proceeding.

The proposed change involves the depression of the highway immediately beneath the railroad to the depth of eight feet below the present level of the highway. The topography and formation of the surrounding country and the proximity of the Susquehanna river are such that the highway at its present grade in times of high water is frequently flooded. Hence it is apparent that such an unusual depression of the highway beneath the railroad would at such times of high water render the highway entirely impassable. The engineer of the petitioner in his report to the Board of Railroad Commissioners said in reference to the proposed change: "With the exception of this high water question the scheme seems to be feasible. By just what method it is proposed to cross in case of flood is not made clear on the plan." The division engineer of the petitioner who prepared the plans for the proposed under crossing and who was examined as a witness for the petitioner testified as follows in reference to said plans: "There is also a provision made for a grade crossing in the case of high water. That district through there is subject to overflow and we have provided on the easterly side of this subway a grade crossing of our tracks which would be used only in the case of high water. Q. That is, it won't be a public highway but it will be one that could be used by the public and which the road would maintain and permit the use of in the case of emergency, is that the idea? A. Yes, sir, that is the idea. * * * Q. And that would be accessible to pedestrians and to travelers on the road with teams? A. Accessible. Oh, it wouldn't be accessible as far as crossing the tracks is concerned only in case of high water; in other words, this would be a barred crossing. * * * Q. Would it be barred at times when not in use? A. Yes." His final testimony was that the highway in times of average high water according to the proposed change would be submerged to a depth of eight feet under the railroad, such water decreasing to a minimum of depth for two hundred feet in either direction from the railroad to the natural grade of the highway. It was, therefore, conclusively established before the Commissioners that the proposed subway would at times of average high water be impassable. To obviate this difficulty it was proposed as indicated in the testimony above quoted to establish a grade crossing for use in times of high water. It furthermore appeared that in order to maintain a grade crossing for use at such times it would be necessary for the railroad company to acquire land from private owners for such purpose. There seems to be no way of obviating this difficulty. The idea of elevating the railroad so as to minimize or lessen the depression in the highway was considered impracticable by the division engineer as testified by him.

It thus appears that the grade crossing cannot be eliminated without at the same time absolutely eliminating the use of the highway for a portion of the time.

A change which renders a highway at certain portions of the year entirely impassible and which at such times not only interferes with its usefulness but absolutely destroys the same cannot be sanctioned. It is not proposed to divert the travel on this highway to another highway or crossing, but as far as the record discloses the effect of this change will be to entirely stop public travel at certain periods without providing a substituted way for the use of the public.

The suggestion is now made, as it was made before the Commissioners, that the railroad company will provide a grade crossing for temporary use in times of high water. The decision of the Commissioners makes no such provision. While it may be true that the proposed change must be under the supervision and subject to the approval of the Commissioners there is nothing in the record to show that there will be any provision for crossing the railroad at grade in times of necessity.

Moreover, the proposition of the railroad company that it will "permit" the public to cross its road at grade is entirely inadequate. The traveling public should not be subjected to the whim or caprice of the railroad company as to the existence of such exigencies as to render it proper for the company to "permit" the use by the public of the grade crossing. It should not be left to the determination of the company as to when the crossing should be "barred." If there is to be a grade crossing for the public use it should be as free and as accessible as the subway beneath the railroad, and no more subject to control by the railroad company than any other grade crossing.

We recognize the desirability of abolishing grade crossings wherever practicable. We also recognize the rule that the court should not reverse the decision of the Commissioners unless it is clearly made to appear that their decision was founded upon an erroneous legal principle or was contrary to the clear weight of evidence. We think, however, that the change proposed in this case is impracticable for the reasons heretofore stated, and that the decision of the Commissioners herein in effect practically abolishes for substantial portions of time a much traveled highway without providing therefor any practicable substitute, and that a decision which accomplishes such a result cannot be sustained.

The decision must be reversed, with \$50 costs and disbursements.

This case has not been appealed, but a new petition from the Company as to this crossing, under section 62 of the Railroad Law, is pending before this Board.

Highway Crossing Signs on Railroads.

Applications under section 33 of the Railroad Law, as amended by chapter 301, Laws of 1901.

I.

IN THE MATTER OF THE APPLICATION OF THE DELAWARE AND EASTERN RAILROAD COMPANY, UNDER SECTION 33 OF THE RAILROAD LAW, AS TO HIGHWAY CROSSING SIGNS TO BE USED ON ITS RAILROAD FROM EAST BRANCH TO ARKVILLE AND FROM SHAVERTOWN TO ANDES IN THE COUNTY OF DELAWARE.

Determination. March 6, 1906.

This application, by the Delaware and Eastern Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs, was filed with this Board on March 1, 1906. It asks this Board to approve of a form of highway crossing sign-board to be erected at points where said company's railroad proposes to cross public highways at grade. Attached to the application is a white print plan of three designs of sign-boards, approval of one of which is asked.

This Board believes that the form of highway crossing sign shown on said white print attached to said application which is numbered "2" is the proper one to be maintained at such crossings. This Board, therefore, hereby approves, under section 33 of the Railroad Law, of the shape and design of a highway crossing sign-board (shown by a white print plan attached to the application in this matter on file in this office, the design being numbered "2") to be established and maintained by the Delaware and Eastern Railroad Company at highway grade crossings of its railroad between East Branch and Arkville and Shavertown and Andes in the county of Delaware.

This Board also, under section 33 of the Railroad Law, hereby prescribes that said sign-boards shall be severally located at said crossings so as to be readily seen by persons on the highway approaching the crossings and that the elevation of such sign-boards and the words of warning thereon shall be as shown by said white print plan of such sign-board numbered "2" attached to the application in this matter on file in this office. (Case No. 3523.)

II.

IN THE MATTER OF THE APPLICATION OF THE PENNSYLVANIA RAILROAD COMPANY, UNDER SECTION 33 OF THE RAILROAD LAW, AS TO HIGHWAY CROSSING SIGNS.

Determination. November 22, 1906.

This application, by the Pennsylvania Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs, was filed with this Board on September 6, 1906. It asks the Board to approve of a form of highway crossing sign-board to be erected at points where the railroads operated by said company in this State cross public highways at grade. After correspondence with the company there was filed with the Board, with

a letter from L. R. Zollinger, engineer of maintenance of way of the company, a plan for a sign board which the Board believes is a proper one to be maintained at such crossings.

This Board, therefore, hereby approves, under section 33 of the Railroad Law, the shape and design of a highway crossing sign board (shown by a plan thereof attached to the office original determination in this matter on file in this office) placed or to be placed and constantly maintained at highway grade crossings of the railroads operated by the Pennsylvania Railroad Company and Northern Central Railway Company in this State. This Board also, under section 33 of the Railroad Law, hereby prescribes that said sign boards shall be severally located at said crossings so as to be readily seen by persons on the highway approaching the crossings and that the elevation of such sign boards and the words of warning thereon shall be as shown by said plan of said sign-board attached to the office original determination in this matter on file in this office. (Case No. 3706.)

Application as to Motive Power on Street Surface Railroads.

I.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CITY RAILWAY COMPANY, ON ITS OWN BEHALF AND ON BEHALF OF ITS LESSOR, THE METROPOLITAN STREET RAILWAY COMPANY, AND ITS LESSORS, THE EIGHTH AVENUE RAILROAD COMPANY, UNDER SECTION 100 OF THE RAILROAD LAW, FOR APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF THE CHANGE OF MOTIVE POWER ON THE EIGHTH AVENUE RAILROAD IN VESSEY STREET BETWEEN CHURCH STREET AND BROADWAY, NEW YORK CITY.

Determination. February 20, 1906.

Application having been made to this board, by the New York City Railway Company, on its own behalf and on behalf of its lessor, the Metropolitan Street Railway Company, and its lessor, the Eighth Avenue Railroad Company, under section 100 of the Railroad Law, on or about February 14, 1906, for the approval of this Board of a change of motive power from horses to an underground current of electricity upon the Eighth Avenue Railroad in Vessey street between Church street and Broadway, New York city, and a hearing having been given on said application at the New York office of this Board on February 20, 1906, H. A. Robinson appearing for said applicant; now, after hearing counsel and after reading and filing the petition, and the affidavit of E. H. Garrison, verified February 13, 1906, as to consent of the property owners, it is

Ordered, That said application be and it is hereby granted and the Board of Railroad Commissioners, under section 100 of the Railroad Law, hereby approves of a change of motive power from horse to an underground current of electricity upon the railroad of the Eighth Avenue Railroad Company (leased to the Metropolitan Street Railway Company and its lessees, the New York City Railway Company), in Vessey street between Church street and Broadway, New York city, with the following conditions, which are hereby made a part of this approval:

First. This application is granted and accepted subject to the lawful regulations of the local authorities, and subject to such further regulation, as to speed or otherwise, by this Board, as may hereafter seem fit and proper.

Second. Any and all changes of tracks, water, sewer, or gas pipes, or other underground structures rendered necessary by the construction of the conduit, shall be by agreement with the official who has superseded the former commissioner of public works and under his direction and supervision, at the expense of the company doing the work.

Third. The rail to be laid shall be such as shall be approved by the official who has superseded the former commissioner of public works of the city of New York.

Fourth. The company shall remove the snow from its tracks and not throw it on either side thereof.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to pre-

vent passengers entering or leaving the car on that side; this guard to be of such nature that it may be transferred from one side to the other.

Seventh. The company shall equip its cars with a safety guard in front of the wheels, coming within an inch of the track, of such construction as to prevent persons being run over in case of falling in front of the cars. (Case No. 3513.)

II.

IN THE MATTER OF THE APPLICATION OF THE UNION RAILWAY COMPANY, UNDER SECTION 100 OF THE RAILROAD LAW, FOR APPROVAL OF MOTIVE POWER.

Determination. May 23, 1906.

Application, under section 100 of the Railroad Law, having been made to this Board on May 23, 1906, by the Union Railway Company of New York city, a street surface railroad, for the approval of this Board of the operation by the overhead single electrical trolley system of motive power of its railroad on the following route, to wit:

Commencing at the intersection of Jerome avenue and Sedgwick avenue at the terminus of the tracks of this company's Jerome avenue line; thence upon and along the westerly approach, known as the Sedgwick avenue approach, formerly called Ogden avenue approach, to Central or McComb's Dam bridge; thence southerly upon and along said bridge and One Hundred and Fifty-fifth Street viaduct and McComb's Dam road to the terminus of the railway of the Eighth Avenue Railroad Company between West One Hundred and Fifty-fourth and West One Hundred and Fifty-fifth streets; also from the intersection of said Central or McComb's Dam bridge and the One Hundred and Fifty-fifth street viaduct; thence westerly upon and along said viaduct to the station, depot, or terminus of the Manhattan Elevated Railway Company, situated between said bridge and Bradhurst avenue, together with the necessary connections, switches, sidings, turnouts, turntables, crossovers, and suitable stands necessary for the accommodation and operation of said railroad.

And a hearing having been given on said application in the city of New York on May 23, 1906, H. A. Robinson appearing for the applicant; and this Board being familiar with the general operation of the overhead single electrical trolley system of motive power in the operation of street surface railroads, it is

Ordered, That said application be and it is hereby granted and the Board of Railroad Commissioners hereby approves of the operation by the overhead single electrical trolley system of motive power of the railroad of said Union Railway Company of New York city on the route set forth hereinabove, with the following conditions which are hereby made a part of this approval:

First. This application is granted and accepted subject to the lawful regulations of the local authorities, and subject to such further regulation, as to speed or otherwise, by this Board, as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No motor car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone, or other wires, but this provision is not intended to require that said company shall construct a double circuit.

Fifth. Every motor car shall be equipped with gates on both ends, which on double track shall be closed on the side next to the adjoining track. No persons (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars on double track there shall be attached a guard-rail or device on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side;; this guard-rail or device to be of such a nature that it may be transferred from one side to the other. (Case No. 3591.)

III.

IN THE MATTER OF THE APPLICATION OF THE TWENTY-EIGHTH AND TWENTY-NINTH STREETS CROSSTOWN RAILROAD COMPANY, UNDER SECTION 100 OF THE RAILROAD LAW, FOR APPROVAL OF MOTIVE POWER.

Determination. January 15, 1907.

Application having been made to this Board by the Twenty-eighth and Twenty-ninth Streets Crosstown Railroad Company, of New York city, on January 15, 1907, for approval by the Board, under section 100 of the Railroad Law, of the use of an underground current of electricity as motive power in the operation of its railroad and the cars thereon on Twenty-eighth and Twenty-ninth streets between First avenue and Eleventh avenue, on Eleventh avenue between West Twenty-ninth and West Twenty-fourth streets, on West Twenty-fourth street between Eleventh avenue and Thirteenth avenue, on Thirteenth avenue, the new exterior street, between West Twenty-fourth and West Fourteenth streets, in the city of New York; and a hearing having been given on said application in the city of New York on January 15, 1907, H. A. Robinson appearing for said application; and it appearing that in an order made by this Board October 13, 1898, this Board consented to the use of compressed air as motive power in the operation of said railroad and the cars thereon, and that in an order of this Board dated July 16, 1902, this Board consented to the operation of said railroad and the cars thereon by electric storage batteries as motive power; and it appearing that in the order of October 13, 1898, and in the order of July 16, 1902, the following language appears:

"The Board does not at this time pass upon that part of the application which asks that approval be given to the use of underground electricity and storage batteries in addition to compressed air. In the future, when the company is ready to use either or both of these powers, whether on the same portions of railroad on which compressed air is used, or on separate portions, it may apply to the Board for approval in each case. Inasmuch, however, as the public notices of the hearing which was held on June 2d set forth that the application covered all three powers, and, inasmuch as persons were heard and testimony taken in regard to all three at said hearing, it will not be necessary to have a public hearing if the company makes such applications;" and it appearing that this application should be granted, it is

Ordered, That this application be and it is hereby granted, upon the conditions as stated in said order dated October 13, 1898, and to apply to the railroad of said company as set forth above and as set forth in said order of October 13, 1898, and said order of July 16, 1902. (Case No. 3903.)

IV.

IN THE MATTER OF THE APPLICATION OF THE TWENTY-EIGHTH AND TWENTY-NINTH STREETS CROSSTOWN RAILROAD COMPANY, UNDER SECTION 100 OF THE RAILROAD LAW, FOR APPROVAL OF MOTIVE POWER.

Determination. January 29, 1907.

Application having been made to this Board by the Twenty-eighth and Twenty-ninth Streets Crosstown Railroad Company, of New York city, on January 28, 1907, for approval by the Board, under section 100 of the Railroad

Law, of the use of an underground current of electricity as motive power in the operation of its railroad and the cars thereon on First avenue between East Twenty-third and East Thirty-fourth streets, on Twenty-eighth and Twenty-ninth streets between First avenue and Eleventh avenue, on Eleventh avenue between West Twenty-ninth and West Twenty-fourth streets, on West Twenty-fourth street between Eleventh avenue and Thirteenth avenue, on Thirteenth avenue, the new exterior street, between West Twenty-fourth and West Fourteenth street, in the city of New York; and a hearing having been given on said application in the city of New York on January 28, 1907, H. A. Robinson (Ralph Norton appearing) for said application; and it appearing that in an order made by this Board October 13, 1898, this Board consented to the use of compressed air as motive power in the operation of said railroad and the cars thereon, and that in an order of this Board dated July 16, 1902, this Board consented to the operation of said railroad and the cars thereon by electric storage batteries as motive power; and it appearing that in the order of October 13, 1898, and in the order of July 16, 1902, the following language appears:

"The Board does not at this time pass upon that part of the application which asks that approval be given to the use of underground electricity and storage batteries in addition to compressed air. In the future, when the company is ready to use either or both of these powers, whether on the same portions of railroad on which compressed air is used, or on separate portions, it may apply to the Board for approval in each case. Inasmuch, however, as the public notices of the hearing which was held on June 2d set forth that the application covered all three powers, and, inasmuch as persons were heard and testimony taken in regard to all three at said hearing, it will not be necessary to have a public hearing if the company makes such application;" and it appearing that this Board on January 15, 1907, made a further order in this matter; and it appearing that this application should be granted, it is

Ordered, That this application be and it is hereby granted, upon the conditions as stated in said order dated October 13, 1898, and to apply to the railroad of said company as set forth above and as set forth in said order of October 13, 1898, and in said order of July 16, 1902, and in said order of January 15, 1907. (Case No. 2926.)

Applications for Increase of Capital Stock.

I.

IN THE MATTER OF THE APPLICATION OF THE SYRACUSE AND SOUTH BAY RAILWAY COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE HUNDRED AND TWENTY THOUSAND DOLLARS (\$120,000) TO ONE MILLION DOLLARS (\$1,000,000).

Determination. December 19, 1905.

Application having been made to this Board on December 1, 1905, by the Syracuse and South Bay Railway Company, for approval of an increase of the capital stock of said company from one hundred and twenty thousand dollars (\$120,000) to one million dollars (\$1,000,000); and a hearing having been given on said application before this Board in the city of New York on December 19, 1905, King, Waters & Page and Charles A. Collin appearing for the applicant; and certificates of the unanimous consent of the stockholders to said increase, showing a compliance with the provisions of the stock corporation law in relation to said increase, having been presented to this Board; and the purposes to which the proceeds of the proposed increase of the capital stock of said company are to be devoted, appearing from the verified petition and the affidavits of George D. Chapman, Daniel E. Balsley and George C. Towle herein and from oral evidence at the hearing; it is

Ordered, That the increase of the capital stock of the Syracuse and South Bay Railway Company from one hundred and twenty thousand dollars (\$120,000) to one million dollars (\$1,000,000), be and the same is hereby approved by this Board and that indorsement of such approval be made upon the certificates of the unanimous consent of the stockholders according to the provisions of the stock corporation law. (Case No. 3460.)

II.

IN THE MATTER OF THE APPLICATION OF THE AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) TO TWO MILLION DOLLARS (\$2,000,000).

Determination. January 17, 1906.

Application having been made to this Board on January 4, 1906, by the Auburn and Syracuse Electric Railroad Company, for approval of an increase of the capital stock of said company from one million five hundred thousand dollars (\$1,500,000) to two million dollars (\$2,000,000) and a hearing having been given on said application before this Board in the city of Buffalo on January 17, 1906, William Nottingham appearing for the applicant; and certificates of the proceedings of the stockholders' meeting, showing a compliance with the provisions of the stock corporation law in relation to said increase having been presented to this Board; and the purpose to which the proceeds of the proposed increase of the capital stock of said company are to be devoted appearing from the verified petition and the affidavit of Clifford D. Beebe herein, it is

Ordered, That the increase of the capital stock of the Auburn and Syracuse Electric Railroad Company from one million five hundred thousand dollars (\$1,500,000) to two million dollars (\$2,000,000) be and the same is hereby approved by this Board, and that indorsement of such approval be made upon certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law. (Case No. 3480.)

III.

IN THE MATTER OF THE APPLICATION OF THE HUDSON VALLEY RAILWAY COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM THREE MILLION DOLLARS (\$3,000,00) TO FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000).

Determination. March 21, 1906.

Application having been made to this Board on March 5, 1906, by the Hudson Valley Railway Company, for approval of an increase of the capital stock of said company from three million dollars (\$3,000,000) to five million five hundred thousand dollars (\$5,500,000); and hearings having been given on said application before this Board in the city of Buffalo on March 13, 1906, and in the city of Albany on March 21, 1906, Choate, Hanford & Larocque and W. L. Kiley appearing for the applicant; Frank L. Bell and John L. Hill appearing for stockholders in opposition; and certificates of the proceedings of the stockholders' meeting showing a compliance with the provisions of the Stock Corporation Law in relation to said increase having been presented to this Board; and the purposes to which the proceeds of the said increase of the capital stock of said company are to be devoted appearing from verified petition and the affidavit of Addison B. Colvin herein and at the hearings, it is

Ordered, That the increase of the capital stock of the Hudson Valley Railway Company from three million dollars (\$3,000,000) to five million five hundred thousand dollars (\$5,500,000) be and the same is hereby approved by this Board and that indorsement of such approval be made upon the certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law. (Case No. 3525.)

IV.

IN THE MATTER OF THE APPLICATION OF THE LEHIGH VALLEY RAILWAY COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM TEN MILLION DOLLARS (\$10,000,000) TO ELEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$11,200,000).

Determination. June 13, 1906.

Application having been made to this Board on June 12, 1906, by the Lehigh Valley Railway Company for approval of an increase of the capital stock of said company from ten million dollars (\$10,000,000) to eleven million two hundred thousand dollars (\$11,200,000) and a hearing having been given on said application before this Board in the city of Buffalo on June 13, 1906, Walter P. Cooke appearing for the applicant, and certificates of the unanimous consent of the stockholders of said company to said increase of the capital stock of said company showing a compliance with the provisions of the Stock Corporation Law in relation to said increase of the capital stock of said company having been presented to this Board, and the purposes to which the proceeds of the said increase of the capital stock of said company are to be devoted appearing from the verified petition and the affidavits of E. B. Thomas and Walter P. Cooke herein, it is

Ordered, That the increase of the capital stock of the Lehigh Valley Railway Company from ten million dollars (\$10,000,000) to eleven million two hundred thousand dollars (\$11,200,000) be and the same is hereby approved by this Board and that indorsements of such approval be made upon the certificates of the unanimous consent of the stockholders according to the provisions of the Stock Corporation Law. (Case No. 3607.)

V.

IN THE MATTER OF THE APPLICATION OF THE MANHATTAN RAILWAY COMPANY FOR APPROVAL OF THE ISSUANCE OF THE REMAINING FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000), FORTY-EIGHT THOUSAND (48,000) SHARES OF THE CAPITAL STOCK OF SAID COMPANY REFERRED TO IN AN ORDER OF THIS BOARD DATED JANUARY 16, 1903.

Determination. September 10, 1906.

On January 16, 1903, this Board approved an increase of the capital stock of the Manhattan Railway Company from forty-eight million dollars (\$48,000,000) to sixty million dollars (\$60,000,000), the order providing that but seven million two hundred thousand dollars (\$7,200,000) of said increase should be issued as soon as authorized, the remaining four million eight hundred thousand dollars (\$4,800,000) of said increase not to be issued without further application to this Board for approval of such issue. On August 16, 1906, the company filed with this Board an application asking for approval of the issuance of the remaining four million eight hundred thousand dollars (\$4,800,000) stock, and a hearing on said application was given by this Board at the office of the Board in New York city on August 28, 1906, Julian T. Davies appearing for the applicant company and for the Interborough Rapid Transit Company, lessee of the applicant's company's railway. After hearing evidence and arguments the hearing was closed. A detailed statement of the purposes to which the proceeds of four million eight hundred thousand dollars (\$4,800,000) stock are to be devoted, viz., construction and equipment, as filed with this Board. It appearing to the Board that the application should be granted, it is

Ordered, That the Board of Railroad Commissioners approve and it does hereby approve of the issuance by the Manhattan Railway Company of the remaining four million eight hundred thousand dollars (\$4,800,000) forty-eight thousand (48,000) shares of increased stock referred to in the said order of this Board dated January 16, 1903.

See p. 249, 1st vol. 1903 report of this Board. (Case No. 2826.)

VI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND PORT CHESTER RAILROAD COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM \$250,000 TO \$15,000,000.

September 11, 1906.

This application was filed with this Board on January 26, 1904, and was withdrawn on September 11, 1906. See determination in this volume under this title on another application of said company for approval of an increase of capital stock. (Case No. 3072.)

VII.

IN THE MATTER OF THE APPLICATION OF THE ELMIRA WATER, LIGHT AND RAILROAD COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE MILLION DOLLARS (\$1,000,000) TO TWO MILLION DOLLARS (\$2,000,000).

Determination. September 19, 1906.

Application having been made to this Board on September 10, 1906, by the Elmira Water, Light and Railroad Company, for approval of an increase of the capital stock of said company from one million dollars (\$1,000,000) to two million dollars (\$2,000,000), and a hearing having been given on said application before this Board in the city of Rochester on September 19, 1906. Parker, Hatch & Sheehan (Mr. Werner appearing) appearing for the applicant; and certificate of the meeting of the stockholders of said company showing a compliance with the provisions of the Stock Corporation Law in relation to said increase of capital stock having been presented to this Board; and the purposes to which the said proposed increase of the capital stock of said company is to be devoted appearing from the affidavit of Ray Tompkins herein, sworn to August 26, 1906, it is

Ordered, That the increase of the capital stock of the Elmira Water, Light and Railroad Company from one million dollars (\$1,000,000) to two million dollars (\$2,000,000) be and the same is hereby approved by this Board and that endorsement of said approval be made upon the certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law. (Case No. 3710.)

VIII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND LONG ISLAND TRACTION COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE MILLION DOLLARS (\$1,000,000) TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000).

Determination. September 20, 1906.

Application having been made to this Board on May 7, 1906, by the New York and Long Island Traction Company, for approval of an increase of the capital stock of said company from one million dollars (\$1,000,000) to one million six hundred thousand dollars (\$1,600,000); and a hearing having been given on said application before this Board in the city of New York on May 23, 1906, Strong & Cadawalader (Mr. Gale appearing) appearing for the applicant; and certificates of the proceedings of the stockholders' meeting showing a compliance with the provisions of the Stock Corporation Law in relation to said increase of capital stock having been presented to this Board; and the purpose to which the said increase of the capital stock of said company is to be devoted appearing from the verified petition herein, dated May 5, 1906, it is

Ordered, That the increase of the capital stock of the New York and Long Island Traction Company from one million dollars (\$1,000,000) to one million six hundred thousand dollars (\$1,600,000) be and the same is hereby approved by this Board and that endorsement of such approval be made upon the certificates of the stockholders' meeting according to the provisions of Stock Corporation Law.

Commissioners Dunn, Baker and Rockwell voted Aye on this order; Commissioner Dickey voted No. (Case No. 3573.)

IX.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE HUNDRED AND FIFTY MILLION DOLLARS (\$150,000,000) TO TWO HUNDRED AND FIFTY MILLION DOLLARS (\$250,000,000).

Determination. October 4, 1906.

Application having been made to this Board on September 29, 1906, by the New York Central and Hudson River Railroad Company for approval of an increase of its capital stock from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000), and a hearing having been given on said application on October 4, 1906, Ira A. Place appearing for the applicant; and the purposes to which the proposed increase of capital stock is to be devoted appearing from the petition herein and from the affidavit of William H. Newman, John Carstensen and William J. Wilgus herein and from the testimony at said hearing of John Carstensen and William J. Wilgus, it is

Ordered, That the increase of the capital stock of the New York Central and Hudson River Railroad Company, from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000) be and the same is hereby approved by this Board and that indorsement of such approval be made upon the certificates of the stockholders' meeting according to the provisions of the stock corporation law, provided, however, that not to exceed twenty-nine million two hundred and eighty-two thousand and sixty dollars (\$29,282,060) of said increase of capital stock shall be issued without further authority of this Board.

See supplemental determination immediately following. (Case No. 3737.)

X.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE HUNDRED AND FIFTEEN MILLION DOLLARS (\$115,000,000) TO ONE HUNDRED AND FIFTY MILLION DOLLARS (\$150,000,000).

Second Supplemental Determination. October 4, 1906.

On April 16, 1902, this Board approved of an increase of the capital stock of the New York Central and Hudson River Railroad Company from one hundred and fifteen million dollars (\$115,000,000) to one hundred and fifty million dollars (\$150,000,000), the increase being thirty-five million dollars (\$35,000,000), with the provision that not to exceed seventeen million two hundred and fifty thousand dollars (\$17,250,000) of such increase should be issued without further authority of this Board, as shown by order of said date. On November 22, 1905, application was made to the Board by said company for approval of the issue of seventeen million one hundred and ninety-two thousand five hundred dollars (\$17,192,500) additional capital stock of said thirty-five million dollars (\$35,000,000) increase, and the Board, by supplemental determination, dated November 29, 1905, approved the issuance by said company of said seventeen million one hundred and ninety-two thousand five hundred dollars (\$17,192,500) capital stock, leaving five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock of the total of thirty-five million dollars (\$35,000,000) increase of capital stock approved on April 16, 1902, thereafter to be issued. On September 29, 1906, a petition from the company was filed with this Board asking that the Board approve an increase of its capital stock from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000) and asking the Board to also approve of the issuance of the five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock yet to be issued of the thirty-five million dollars (\$35,000,000) increase of capital stock approved April 16, 1902. A hearing on said petition filed with the Board September 29, 1906, was held

in the city of New York on October 4, 1906, at which Ira A. Place appeared for the applicant company. After hearing evidence and arguments the hearing was closed. From the evidence produced on October 4 this Board deems that it is justified in approving the issue of the additional five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock referred to above, and it is, therefore, hereby

Ordered, That the issuance by the New York Central and Hudson River Railroad Company of five hundred and fifty-seven thousand and five hundred dollars (\$557,500) capital stock of said company of a total increase of thirty-five million dollars (\$35,000,000) capital stock of said company approved in an order of this Board dated April 16, 1902, be and the same is hereby authorized and approved by this Board.

Another order has been made by this Board on this date in relation to the increase of the capital stock of said company from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000).

See p. 210, 1st vol. 1902 and p. 121 1st vol. 1905, reports of this Board. See determination immediately preceding. (Case No. 2665.)

XI.

IN THE MATTER OF THE APPLICATION OF THE PAUL SMITH'S ELECTRIC LIGHT AND POWER AND RAILROAD COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM ONE HUNDRED THOUSAND DOLLARS (\$100,000) TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000).

Determination. November 22, 1906.

Application having been made to this Board on October 11, 1906, by the Paul Smith's Electric Light and Power and Railroad Company, for approval of an increase of its capital stock from one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), and a hearing having been given on said application by this Board in the city of Albany on November 9, 1906, Badger & Cantwell appearing for the applicant; and the purposes to which the proposed increase of the capital stock is to be devoted appearing from the verified petition and the affidavit of Paul Smith, Jr., herein; and it appearing to this Board that but a portion of said increase of capital stock should be issued without further application here; it is

Ordered, That the increase of the capital stock of the Paul Smith's Electric Light and Power and Railroad Company from one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000) be and the same is hereby approved by this Board and that indorsement of such approval be made upon the certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law, on condition that but one hundred thousand dollars (\$100,000) of said increase of stock be issued under this approval and that the remaining three hundred thousand dollars (\$300,000) of said increase of stock or any part thereof shall not be issued until after further application is made to this Board by said company for approval of the issuance of said remaining three hundred thousand dollars (\$300,000) of said increase of capital stock or any part thereof and such approval of this Board has been received. (Case No. 3754.)

XII.

IN THE MATTER OF THE APPLICATION OF THE GENEVA, WATERLOO, SENECA FALLS AND CAYUGA LAKE TRACTION COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) TO ONE MILLION DOLLARS (\$1,000,000).

Determination. December 5, 1906.

Application having been made to this Board on November 17, 1906, by the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company for approval of an increase of its capital stock from four hundred fifty thousand

dollars (\$450,000) to one million dollars (\$1,000,000) and a hearing having been given on said application before this board in the city of Albany on November 22, 1906, L. G. Hoskins, attorney, and W. C. Gray, general manager, appearing for the applicant; and the purposes to which the said proposed increase of the capital stock of said company is to be devoted appearing from the affidavits of William C. Gray and J. Lewis Stacey herein; it is

Ordered, That the increase of the capital stock of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company from four hundred fifty thousand dollars (\$450,000) to one million dollars (\$1,000,000) be and the same is hereby approved by this Board and that indorsement of such approval be made upon the unanimous consents of the stockholders of said company to said increase of capital stock according to the provisions of the Stock Corporation Law. (Case No. 3813.)

XIII.

IN THE MATTER OF THE APPLICATION OF THE CHATEAUGAY AND LAKE PLACID RAILWAY COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM TWO MILLION FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$2,450,000) TO THREE MILLION FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$3,450,000).

Determination. December 28, 1906.

Application having been made to this Board on December 26, 1906, by the Chateaugay and Lake Placid Railway Company, for approval of an increase of the capital stock of said company from two million four hundred and fifty thousand dollars (\$2,450,000) to three million four hundred and fifty thousand dollars (\$3,450,000), and a hearing having been given on said application before this Board in the city of New York on December 28, 1906; A. I. Culver, vice-president, and P. C. Dugan, attorney, appearing for the applicant, and certificates of the unanimous consent of stockholders of the company showing a compliance with the provisions of the stock corporation law in relation to said increase of capital stock having been presented to this Board; and the purposes to which the proceeds of the said proposed increase of the capital stock of the said company are to be devoted appearing from the verified petition and the affidavits of Talbot Olyphant herein; it is

Ordered, That the increase of the capital stock of the Chateaugay and Lake Placid Railway Company from two million four hundred and fifty thousand dollars (\$2,450,000) to three million four hundred and fifty thousand dollars (\$3,450,000) be and the same is hereby approved by this Board and that indorsement of such approval be made upon the certificates of the unanimous consent of stockholders of said company to said increase, according to the provisions of the Stock Corporation Law. (Case No. 3873.)

XIV.

IN THE MATTER OF THE APPLICATION OF THE UNITED TRACTION COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM FIVE MILLION DOLLARS (\$5,000,000) TO TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$12,500,000).

Determination. December 28, 1906.

Application having been made to this Board on December 17, 1906, by the United Traction Company for approval of an increase of its capital stock from five million dollars (\$5,000,000) to twelve million five hundred thousand dollars (\$12,500,000), and hearings having been given on said application before this Board in the city of New York on December 18 and December 28, 1906; A. I. Culver, vice-president, and P. C. Dugan, attorney, ap-

pearing for the applicant, and certificates of the unanimous consent of stockholders of the company showing a compliance with the provisions of the Stock Corporation Law in relation to said increase of capital stock having been presented to this Board; and the purposes to which the proceeds of the said proposed increase of the capital stock of said company are to be devoted appearing from the verified petition and the affidavit of James McCredie herein; it is

Ordered, That the increase of the capital stock of the United Traction Company from five million dollars (\$5,000,000) to twelve million five hundred thousand dollars (\$12,500,000) be and the same is hereby approved by this Board, and that indorsement of such approval be made upon the certificate of the unanimous consent of stockholders of said company to said increase, according to the provisions of the Stock Corporation Law. (Case No. 3861.)

XV.

IN THE MATTER OF THE APPLICATION OF NEW YORK AND PORT CHESTER RAILROAD COMPANY FOR APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF AN INCREASE OF THE CAPITAL STOCK OF SAID RAILROAD COMPANY.

Determination. December 28, 1906.

Hearings by this Board having been had upon the petition heretofore filed herein upon due service of notices of hearing upon all parties in interest, and having heard the proofs submitted by the petitioner, and it appearing that heretofore proceedings in due form had been taken by the stockholders of the petitioner for the increase of the capital stock of said railroad company from \$250,000 at par value to \$20,000,000 at par value, and that said increase had been duly authorized by said stockholders, and it appearing that substantially all of the capital stock of the New York, Westchester and Boston Railway Company, a railroad corporation whose proposed line of railroad is to be constructed in substantially the same territory as the line of the petitioner railroad, of which stock there is outstanding \$19,788,500, is owned by the owners of all of the shares of the capital stock of said petitioner; and after hearing William C. Trull, Esq., and Frank Sullivan Smith, Esq., of counsel for said petitioner, and due deliberation having been had by this Board upon the proofs submitted in support of said petition, it is

Ordered, That the petition of the New York and Port Chester Railroad Company for the increase of its capital stock from \$250,000 at par value to \$20,000,000 at par value, be, and the same hereby is, approved by this Board in accordance with the provisions of section 46 of the Stock Corporation Law, but at no time under this approval shall the aggregate amount of outstanding capital stock both of the New York and Port Chester Railroad Company and of the New York, Westchester and Boston Railway Company exceed the sum of \$20,000,000 at par value, and no stock shall be issued under this approval by the New York and Port Chester Railroad Company in excess of two hundred and eleven thousand five hundred dollars (\$211,500) except that before the actual issue of any stock in excess of said two hundred and eleven thousand five hundred dollars (\$211,500), or simultaneously with such issue, an equal amount, at par, of said New York, Westchester and Boston Railway Company stock shall be retired, surrendered and cancelled.

See other matter in relation to this company under this title in this volume. (Case No. 3732.)

Applications for Consent to Issue of Mortgages.

I.

IN THE MATTER OF THE APPLICATION OF THE SYRACUSE AND SOUTH BAY RAILWAY COMPANY FOR CONSENT TO THE ISSUE OF A MORTGAGE FOR ONE MILLION DOLLARS (\$1,000,000).

Determination. December 19, 1905.

Application having been made to this Board on December 1, 1905, by the Syracuse and South Bay Railway Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issue by said company of a mortgage for one million dollars (\$1,000,000); and a hearing having been given on said application before this Board in the city of New York on December 19, 1905, King, Waters & Page and Charles A. Collin appearing for the applicant; and the purposes for which the said first mortgage is to be issued appearing from the verified petition and the affidavit of George D. Chapman, Daniel E. Balsley and George C. Towle herein and from oral evidence at the hearing; and it appearing that the owners of capital stock of said company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Syracuse and South Bay Railway Company of a mortgage for one million dollars (\$1,000,000) on condition that but seven hundred and fifty thousand dollars (\$750,000) bonds shall be issued under said mortgage under this consent and on condition that said company before issuing the remaining two hundred and fifty thousand dollars (\$250,000) bonds or any part thereof under said mortgage shall apply for an secure the consent of this Board to such issuance of said two hundred and fifty thousand dollars (\$250,000) bonds or any part thereof under said mortgage.

See p. 126, 1st vol. 1905 report of this Board. (Case No. 3461.)

II.

IN THE MATTER OF THE MORTGAGE OF THE MARCELLUS AND OTISCO LAKE RAILROAD COMPANY FOR \$300,000.

January 10, 1906.

This matter is correspondence with the attorney of this company, Mr. Howard R. Bayne, in relation to a purchase money mortgage for \$500,000 issued by the company. The case was closed on January 10, 1906. (Case No. 3471.)

III.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST MORTGAGE FOR TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000).

Determination. February 23, 1906.

This application, by the New York, Auburn and Lansing Railroad Company, was filed with this Board on January 3, 1906. It asks the consent of

mortgage should apply for and secure the further consent of this Board to the issuance of said remaining eight hundred thousand dollars (\$800,000) in bonds or any part thereof under said first mortgage. On August 7, 1906, the company filed with this Board an application asking for consent to the issuance of the remaining eight hundred thousand dollars (\$800,000) in bonds and a hearing in the matter was given by this Board in the city of Rochester on September 19, at which E. C. Aiken appeared for the applicant. After hearing evidence and arguments the hearing was closed. The purposes to which the remaining eight hundred thousand dollars (\$800,000) in bonds are to be devoted appear from the petition herein, verified July 26, 1906, the affidavit herein of A. H. Flint, sworn to July 24, 1906, and the affidavit herein of Herbert A. Clarke, sworn to August 6, 1906, namely, construction and equipment. It appearing to the Board that the application should be granted, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the New York, Auburn and Lansing Railroad Company of the remaining eight hundred thousand dollars (\$800,000) in bonds under a first mortgage for one million dollars (\$1,000,000) the issuance of which by said company was consented to in an order of this Board dated March 1, 1905, said order consenting to the issuance of said mortgage but on condition that but two hundred thousand dollars (\$200,000) in bonds should be issued thereunder under said consent and on condition that said company before issuing the remaining eight hundred thousand dollars (\$800,000) in bonds or any part thereof under said first mortgage should apply for and secure the further consent of this Board to the issuance of said remaining eight hundred thousand dollars (\$800,000) in bonds or any part thereof.

See p. 125, 1st vol. 1905 report of this Board. See, also, under this title in this volume another determination as to a mortgage which was proposed to be issued by this company. (Case No. 3291.)

XII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND QUEENS COUNTY RAILWAY COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST AND REFUNDING MORTGAGE FOR TEN MILLION DOLLARS (\$10,000,000).

Determination. September 20, 1906.

Application having been made to this Board on May 23, 1906, by the New York and Queens County Railway Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a first and refunding mortgage for ten million dollars (\$10,000,000); and hearings having been given on said application before this Board in the city of New York on June 20 and in the city of Albany on August 1 and September 11, Strong & Cadwalader, F. L. Fuller, vice-president and general manager of the company, and Van Vechten Veeder, appearing for the applicant, Hornblower, Byrne, Miller & Potter appearing by letters in opposition, which opposition was withdrawn in a letter dated September 17, 1906; and the purposes to which the proceeds of the said mortgage are to be devoted appearing from the verified petition and at the hearings herein; and it appearing that the owners of capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the New York and Queens County Railway Company of a first and refunding mortgage for ten million dollars (\$10,000,000) on condition that there shall be issued under this consent but sufficient bonds to refund the existing mortgages and to provide for the improvements in construction and equipment of said company's railway recommended by this Board in recommendations of this date to the company, amounting in all to eight million dollars (\$8,000,000), which amount of bonds, viz., eight million dollars

(\$3,000,000), this Board hereby consents may be issued under this consent for said purposes and on condition that before the remaining two million dollars (\$2,000,000) bonds or any portion of said remaining two million dollars (\$2,000,000) bonds shall be issued under said mortgage further application will be made by the company to this Board for and the Board's consent obtained to the issuance of said remaining two million dollars (\$2,000,000) bonds or any portion thereof.

The following letter was sent to the company as to the recommendations referred to in the above order:

"Enclosed herewith you will find a copy of a report of the electrical expert of this Board dated July 11, 1906, in relation to improvements in the physical condition and in the equipment of the New York and Queens County Railway.

"The suggestions in this report are hereby made the recommendations of this Board and the company is expected to comply therewith.

"Also enclosed herewith is a copy of an order of this Board dated the 20th inst. in the matter of the application of the New York and Queens County Railway Company for consent to the issuance of a first and refunding mortgage for \$10,000,000. The recommendations referred to in this order are the ones referred to in this letter of recommendation."

The report of the electrical expert referred to is as follows:

In the matter of the application of the New York and Queens County Railway Company for the consent of the Board of Railroad Commissioners to the issue of a mortgage, I have investigated that portion of the proposed expenditures by the company from the proceeds of said mortgage relating to additional tracks, betterments, improvements, equipment (including motive power, etc.), terminals, extensions and lines of railway, as set forth in the petition of the company, and submit:

"This company's railroad is at present and will be an important element in the transportation system of Greater New York and vicinity. It is one on which travel has increased rapidly in the past, and indications point to a rapid increase in the future. A tunnel and a bridge in course of construction under and over the East river will add to the trackage and terminal facilities of this system, and will no doubt result in more than the natural increase in travel.

"A large and growing territory adjacent to the company's system is not at present properly provided with electric railroad facilities.

"The company's terminal at the Thirty-fourth street ferry, Long Island City, is inadequate for present needs of traffic.

"A large portion of the company's cars, while they are maintained in fair condition, are inadequate in seating capacity, and are not of a character to provide for the comfort and convenience of passengers.

"The company have not sufficient power house capacity for maximum requirements of operation.

"They have not sufficient or convenient car barn capacity.

"Portions of the system are single track.

"Requirements.

"Cars.—Cars at present owned by the company, available for operation:

10-bench single truck open cars	110
9-bench single truck open cars	8
27-foot single truck box cars	41
18-foot single truck box cars	37
Double truck convertible cars	20

Total 216

"All of the above can be put in condition for summer operation. Of the total number of cars owned, ninety-eight are available for winter operation.

"The company have adopted as a standard the double truck, semi-convertible car seating forty-four people, which it is proposed to use in all seasons of the year. In view of the probable operation through the tunnel, the company have

mortgage should apply for and secure the further consent of this Board to the issuance of said remaining eight hundred thousand dollars (\$800,000) in bonds or any part thereof under said first mortgage. On August 7, 1906, the company filed with this Board an application asking for consent to the issuance of the remaining eight hundred thousand dollars (\$800,000) in bonds and a hearing in the matter was given by this Board in the city of Rochester on September 19, at which E. C. Aiken appeared for the applicant. After hearing evidence and arguments the hearing was closed. The purposes to which the remaining eight hundred thousand dollars (\$800,000) in bonds are to be devoted appear from the petition herein, verified July 26, 1906, the affidavit herein of A. H. Flint, sworn to July 24, 1906, and the affidavit herein of Herbert A. Clarke, sworn to August 6, 1906, namely, construction and equipment. It appearing to the Board that the application should be granted, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the New York, Auburn and Lansing Railroad Company of the remaining eight hundred thousand dollars (\$800,000) in bonds under a first mortgage for one million dollars (\$1,000,000) the issuance of which by said company was consented to in an order of this Board dated March 1, 1905, said order consenting to the issuance of said mortgage but on condition that but two hundred thousand dollars (\$200,000) in bonds should be issued thereunder under said consent and on condition that said company before issuing the remaining eight hundred thousand dollars (\$800,000) in bonds or any part thereof under said first mortgage should apply for and secure the further consent of this Board to the issuance of said remaining eight hundred thousand dollars (\$800,000) in bonds or any part thereof.

See p. 125, 1st vol. 1905 report of this Board. See, also, under this title in this volume another determination as to a mortgage which was proposed to be issued by this company. (Case No. 3291.)

XII.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND QUEENS COUNTY RAILWAY COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST AND REFUNDING MORTGAGE FOR TEN MILLION DOLLARS (\$10,000,000).

Determination. September 20, 1906.

Application having been made to this Board on May 23, 1906, by the New York and Queens County Railway Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a first and refunding mortgage for ten million dollars (\$10,000,000); and hearings having been given on said application before this Board in the city of New York on June 20 and in the city of Albany on August 1 and September 11, Strong & Cadwalader, F. L. Fuller, vice-president and general manager of the company, and Van Vechten Veeder, appearing for the applicant, Hornblower, Byrne, Miller & Potter appearing by letters in opposition, which opposition was withdrawn in a letter dated September 17, 1906; and the purposes to which the proceeds of the said mortgage are to be devoted appearing from the verified petition and at the hearings herein; and it appearing that the owners of capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the New York and Queens County Railway Company of a first and refunding mortgage for ten million dollars (\$10,000,000), on condition that there shall be issued under this consent but sufficient bonds to refund the existing mortgages and to provide for the improvements in construction and equipment of said company's railway recommended by this Board in recommendations of this date to the company, amounting in all to eight million dollars (\$8,000,000), which amount of bonds, viz., eight million dollars

(\$3,000,000), this Board hereby consents may be issued under this consent for said purposes and on condition that before the remaining two million dollars (\$2,000,000) bonds or any portion of said remaining two million dollars (\$2,000,000) bonds shall be issued under said mortgage further application will be made by the company to this Board for and the Board's consent obtained to the issuance of said remaining two million dollars (\$2,000,000) bonds or any portion thereof.

The following letter was sent to the company as to the recommendations referred to in the above order:

"Enclosed herewith you will find a copy of a report of the electrical expert of this Board dated July 11, 1906, in relation to improvements in the physical condition and in the equipment of the New York and Queens County Railway.

"The suggestions in this report are hereby made the recommendations of this Board and the company is expected to comply therewith.

"Also enclosed herewith is a copy of an order of this Board dated the 20th inst. in the matter of the application of the New York and Queens County Railway Company for consent to the issuance of a first and refunding mortgage for \$10,000,000. The recommendations referred to in this order are the ones referred to in this letter of recommendation."

The report of the electrical expert referred to is as follows:

In the matter of the application of the New York and Queens County Railway Company for the consent of the Board of Railroad Commissioners to the issue of a mortgage, I have investigated that portion of the proposed expenditures by the company from the proceeds of said mortgage relating to additional tracks, betterments, improvements, equipment (including motive power, etc.), terminals, extensions and lines of railway, as set forth in the petition of the company, and submit:

"This company's railroad is at present and will be an important element in the transportation system of Greater New York and vicinity. It is one on which travel has increased rapidly in the past, and indications point to a rapid increase in the future. A tunnel and a bridge in course of construction under and over the East river will add to the trackage and terminal facilities of this system, and will no doubt result in more than the natural increase in travel.

"A large and growing territory adjacent to the company's system is not at present properly provided with electric railroad facilities.

"The company's terminal at the Thirty-fourth street ferry, Long Island City, is inadequate for present needs of traffic.

"A large portion of the company's cars, while they are maintained in fair condition, are inadequate in seating capacity, and are not of a character to provide for the comfort and convenience of passengers.

"The company have not sufficient power house capacity for maximum requirements of operation.

"They have not sufficient or convenient car barn capacity.

"Portions of the system are single track.

"Requirements.

"Cars.—Cars at present owned by the company, available for operation:

10-bench single truck open cars	110
9-bench single truck open cars	8
27-foot single truck box cars	41
18-foot single truck box cars	37
Double truck convertible cars	20

Total 216

"All of the above can be put in condition for summer operation. Of the total number of cars owned, ninety-eight are available for winter operation.

"The company have adopted as a standard the double truck, semi-convertible car seating forty-four people, which it is proposed to use in all seasons of the year. In view of the probable operation through the tunnel, the company have

ordered ten steel semi-convertible cars, and they have also placed an order for ten semi-convertible wooden cars. The contract for the steel cars calls for delivery between the first and the fifteen of December, 1906, and for the wooden cars between the fifteen of October and the first of November, 1906.

"A single truck car is not a proper one for the character of traffic on this road. A greater portion of it can be considered as suburban, on which passengers should be carried in comfort and as rapidly as safety of operation will permit. As the company have adopted the semi-convertible, double truck car as the standard, the 110 ten-bench, the eight nine-bench open cars, the forty-one twenty-seven-foot, and the thirty-seven eighteen-foot box cars should be replaced by the standard. While it might be an injustice to the company to require them to scrap all of these cars immediately, a number of them should be replaced each year, so that eventually all cars operated will be of the standard type. It is estimated that five years would be a reasonable period in which to bring about the above result.

"May 30, 1906, the company carried, including transfers, 152,518 passengers; the same day with the same weather conditions in 1905 they carried 137,603 passengers, an increase of nearly eleven per cent. It is safe to assume that the increase in the next five years on this company's system will not be less than ten per cent per year.

"The company should in the next five years replace:

110 10-bench open cars with a seating capacity of.....	5,500
8 9-bench open cars with a seating capacity of.....	360
47 27-foot box cars with a seating capacity of	1,476
37 18-foot box cars with a seating capacity of	888

A total seating capacity of..... 8,224

"This would require 187 standard cars.

"The thirty-seven eighteen-foot box cars should be withdrawn from service the coming winter. The eight nine-bench open cars should not be put in service next spring. To replace these cars would require twenty-eight standard cars, but no doubt time-table requirements of next winter would necessitate at least thirty-seven cars, which subtracted from the 187 additional cars required would leave 150 new cars needed. Ten per cent yearly added to these for a four-year period would make necessary the addition the first year of fifty-three cars, the second year of fifty-four cars, the third year fifty-six cars, the fourth year fifty-seven cars, or a total of 257 cars.

"Power.—The company has at present one power station located in Long Island City, and a transformer station at Flushing; also a temporary transformer station at Fourth street and West avenue, Long Island City. The equipment of the power station consists of four direct current generators, two of 500 Kw. and two of 350 Kw. each, and one 500 Kw. A. C. generator, making a total of 2,200 Kw.

"The company have not sufficient generating capacity for maximum requirements of operation, and are purchasing from the Long Island Railroad Company a maximum of 1,000 Kw. daily, which enables them to operate properly all the cars run.

"While no orders have been placed for additional power equipment, I am informed it is the intention of the company, and that plans are being prepared for the erection of a new power house, with a capacity of three 1,500 Kw. generators, and the necessary additions to the Flushing transformer station.

"Car Barn.—The company has at present one car barn which has not storage capacity for all of the company's cars, not sufficient shop facilities for proper car repair. It is intended to add to the capacity of the present car house, and to increase the shop facilities in it, and also to erect a new building on the site of an old car house at Flushing. These additions and improvements will furnish storage capacity for all of the cars necessary for present and a reasonable future increase, and shop facilities for the proper maintenance of cars.

"Additional Trackage.—I am informed the company contemplates an extension of the system to different points in Queens, making necessary the con-

struction of twenty-one miles of double track railroad, all on streets except about two miles which is on private right of way.

"On the College Point line there is about one mile of single track. On the Corona line there is a mile and a quarter of single track constructed on a trestle across the meadows. The line between Jamaica and Flushing, about 5.14 miles, is single track. The necessities of travel and safety of operation requires that these single track portions of the system be double tracked.

"*Terminals.*—The congested condition of the terminal at the Thirty-fourth street ferry will be relieved by the opening of the bridge and tunnel now in course of construction.

"The present congested condition of travel in Greater New York during certain hours of the day is the result of lack of foresight in providing for the increase in traffic which could reasonably have been estimated. To as far as possible prevent similar conditions on this company's system in the future, the following suggestions are made:

"That the New York and Queens County Railway Company give your Honorable Board satisfactory assurances that a portion of the proceeds of the mortgage which the company petitions your approval of, be expended for the following purposes:

"1. The purchase of thirty-seven standard semi-convertible cars, to be delivered if possible before the first of December, 1907.

"The above suggestion includes the twenty cars which have already been ordered by the company, making necessary an additional order of seventeen cars.

"The company have only ordered ten steel convertible cars for tunnel operation as an experiment, and while operation may develop the necessity of change in the specifications for these cars, no such element exists in reference to the wooden cars.

"The purchase of fifty-three standard semi-convertible cars to be delivered by November 1, 1907.

"The purchase of fifty-four standard semi-convertible cars to be delivered by November 1, 1908.

"The purchase of fifty-six standard semi-convertible cars to be delivered by November 1, 1909.

"The purchase of fifty-seven standard semi-convertible cars to be delivered by November 1, 1910.

"All of the above to be standard type of car, seating not less than forty-four passengers.

"2. That the company erect a new power house and make additions to the Flushing transformer station. The new power house to be equipped with not less than three 1,500 Kw. generators. The Flushing transformer station to be equipped with the number and capacity of transformers necessary for requirements of operation. Two 1,500 Kw. generators to be installed in the power house not later than November 1, 1907, pending which the company will continue to purchase additional power necessary for maximum requirements of operation. The Flushing transformer station to be equipped with necessary transformers not later than November 1, 1907.

"3. That a new car barn be erected, and that the capacity of the present L. I. City car barn be increased, so that the combined capacity of the car barns will be sufficient to house all of the company's cars.

"That the present repair shop capacity be increased to provide facilities for the proper maintenance of all cars operated.

"The above additions and betterments to be completed not later than November 1, 1907.

"4. That all of the single track portions of the present system be double tracked. The double tracking of the line between Jamaica and Flushing to be completed not later than January 1, 1908. The other portions to be completed not later than January 1, 1909.

"5. That within the next five years the company shall expend:

For cars, not less than.....	\$1,464,400 00
For power house, transformer stations and equipments, not less than.....	1,500,000 00

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For track extensions, double tracks, and track betterments, not less than.....	\$1,000,000 00
For new barn, extensions to present one, and additions to shop facilities, not less than.....	200,000 00
Making a total of.....	<u>\$4,164,400 00</u>

"In the petition the applicants specify '\$6,135,000 of said bonds for reimbursement of your petitioner for future expenditures for additional tracks, betterments, improvements, equipment, (including motive power, etc.) terminals, extensions and lines of railways.'

"The above items of estimated expenditures, amounting to \$4,164,400, deducted from the amount set aside in the petition for improvements, would leave a balance of \$1,970,600 for terminals, further extensions of lines, and other purposes.

"As no definite plans of terminals in Manhattan have been approved, no estimate of the expense of the same can be made."

The company informed the Board as follows:

"I note your reference to your letter of September 25, and the copy of Mr. Barnes' report enclosed therein. It gives me pleasure to report to you the progress being made toward carrying out the recommendations of the Board. We are now having engraved the bonds authorized by the Board and are making the necessary financial preparations in regard to them. You will appreciate, however, that under the present money conditions, it is very hard to dispose of a bond of this kind at a satisfactory price, and it may be some little time before we are able to consummate a suitable transaction to supply us with the needed funds. Meanwhile, however, we are expecting at an early date, the delivery of twenty cars heretofore ordered and have temporarily secured the use of some cars from a neighboring road in order to better the service. As ten of the new cars to be delivered are of steel, we are waiting the delivery of them to test their adaptability to our requirements before placing further orders, but we expect, early in the winter, to make contracts for further equipment.

"We are also studying carefully the power needs of the road, and our electrical engineer has just submitted a report on this subject which is to be considered by our board of directors at the next meeting. We expect to be able to materially increase our power within the next six months.

"We now have pending before the city authorities applications for the extension of our lines at several different points, and as soon as the engineer of the city has passed upon the same we hope to secure franchises which will enable us to commence construction in the spring.

"I beg to assure the Honorable Board that we are fully alive to the desirability and necessity of improving our service and developing our property as rapidly as possible, and every endeavor is being made to accomplish such results as promptly as possible." (Case No. 3590.)

XIII.

IN THE MATTER OF THE APPLICATION OF THE CARTHAGE AND COPENHAGEN RAILROAD COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST MORTGAGE FOR SIXTY THOUSAND DOLLARS (\$60,000).

Determination. October 17, 1906.

Application having been made to this Board on October 1, 1906, by the Carthage and Copenhagen Railroad Company, under subdivision 10 of section 4 of the Railroad Law for consent to the issuance by said company of a first mortgage by said company for sixty thousand dollars (\$60,000); and a hearing having been given on said application before this Board in the city of Albany

on October 17, 1906, W. B. Van Allen appearing for the applicant; and the purposes for which said first mortgage is to be issued appearing from the verified petition and from evidence at the hearing; and it appearing that the owners of the capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Carthage and Copenhagen Railroad Company of a first mortgage for sixty thousand dollars (\$60,000). (Case No. 3741.)

XIV.

IN THE MATTER OF THE APPLICATION OF THE PAUL SMITH'S ELECTRIC LIGHT AND POWER AND RAILROAD COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST MORTGAGE FOR FIVE HUNDRED THOUSAND DOLLARS (\$500,000).

Determination. November 22, 1906.

Application having been made to this Board on October 11, 1906, by the Paul Smith's Electric Light and Power and Railroad Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a first mortgage for five hundred thousand dollars (\$500,000); and a hearing having been given on said application by this Board in the city of Albany on November 9, 1906, Badger & Cantwell appearing for the applicant; and the purposes to which the proceeds of said mortgage are to be devoted appearing from the verified petition and the affidavit of Paul Smith, Jr., herein; and it appearing that the owners of capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Paul Smith's Electric Light and Power and Railroad Company of a first mortgage for five hundred thousand dollars (\$500,000), on condition that but four hundred thousand dollars (\$400,000) bonds shall be issued under said mortgage under this consent and in condition that before the remaining one hundred thousand dollars (\$100,000) bonds or any part thereof shall be issued the company shall apply for and receive the consent of this Board to the issuance of said remaining one hundred thousand dollars (\$100,000) bonds or any portion thereof. (Case No. 3755.)

XV.

IN THE MATTER OF THE APPLICATION OF THE HAMBURG RAILWAY COMPANY FOR CONSENT OF THIS BOARD TO THE ISSUANCE OF A FIRST MORTGAGE FOR SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000).

Determination. December 5, 1906.

Application having been made to this Board on November 20, 1906, by the Hamburg Railway Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a first mortgage for seven hundred and fifty thousand dollars (\$750,000); and a hearing having been given on said application before this Board in the city of Albany on December 4, 1906, Parker, Hatch & Sheehan appearing for the applicant; and the purposes for which said first mortgage is to be issued appearing from the verified petition and from the affidavit dated December 3, 1906, of J. O. Calisch herein; and it appearing that the owners of the capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said first mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Hamburg Railway Company of a first mortgage for seven hundred and fifty thousand dollars (\$750,000). (Case No. 3810.)

XVI.

IN THE MATTER OF THE APPLICATION OF THE GENEVA, WATERLOO, SENECA FALLS AND CAYUGA LAKE TRACTION COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST MORTGAGE FOR ONE MILLION DOLLARS (\$1,000,000).

Determination. December 5, 1906.

Application having been made to this Board on November 17, 1906, by the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a first mortgage for one million dollars (\$1,000,000); and a hearing having been given on said application before this Board in the city of Albany on November 22, 1906, L. G. Hoskins, attorney, and W. C. Gray, general manager, appearing for the applicant; and the purposes for which said proposed first mortgage is to be used appearing from the affidavits herein of William G. Gray and J. Lewis Stacey; and it appearing that the owners of the capital stock of said company to an amount equal to that required by the statute have consented to the issuance of said mortgage; it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company of a first mortgage for one million dollars (\$1,000,000). (Case No. 3814.)

XVII.

IN THE MATTER OF THE APPLICATION OF THE FRONTIER ELECTRIC RAILWAY COMPANY FOR APPROVAL OF AN INCREASE OF ITS CAPITAL STOCK FROM THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) AND FOR CONSENT TO THE ISSUANCE OF A MORTGAGE FOR TWO MILLION DOLLARS (\$2,000,000).

Determination. December 5, 1906.

Application having been made to this Board on November 19, 1906, by the Frontier Electric Railway Company for approval of an increase of its capital stock from three hundred thousand dollars (\$300,000) to one million five hundred thousand dollars (\$1,500,000) and for consent to the issuance of a mortgage for two million dollars (\$2,000,000), both applications being in one petition and a hearing having been given on said applications before this Board in the city of Buffalo on November 27, 1906, Cohen & Chormann appearing for the applicant; and the purposes to which the said proposed increase of the capital stock of said company and the proceeds of the said mortgage are to be devoted appearing from the verified petition and from the affidavits of George A. Ricker and Morris Cohn, Jr., herein; and it appearing that the owners of the capital stock of said company to an amount equal to that required by the statute have consented to the said increase of capital stock and to the issuance of said mortgage, it is

Ordered, That the increase of the capital stock of the Frontier Electric Railway Company from three hundred thousand dollars (\$300,000) to one million five hundred thousand dollars (\$1,500,000) be and the same is hereby approved by this Board and that indorsement of such approval be made upon the unanimous consent of the stockholders of said company to said

increase of capital stock according to the provisions of the Stock Corporation Law; it is further

Ordered, That this Board consents and it does hereby consent to the issuance by the Frontier Electric Railway Company of a mortgage for two million dollars (\$2,000,000). (Case No. 3811.)

XVIII.

IN THE MATTER OF THE APPLICATION OF THE HUDSON AND MANHATTAN RAILROAD COMPANY FOR CONSENT TO THE ISSUANCE OF A MORTGAGE FOR ONE HUNDRED MILLION DOLLARS (\$100,000,000).

Determination. December 11, 1906.

Application having been made to this Board on December 5, 1906, by the Hudson and Manhattan Railroad Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a mortgage for one hundred million dollars (\$100,000,000); and a hearing having been given on said application before this Board in the city of New York on December 11, 1906, W. G. McAdoo, president of the company, and Charles A. Collin and Frederick B. Jennings of counsel appearing for the applicant; and the purposes for which said mortgage is to be issued appearing from the verified petition and at the hearing; and it appearing that the owners of the capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Hudson and Manhattan Railroad Company of a mortgage for one hundred million dollars (\$100,000,000). (Case No. 3844.)

XIX.

IN THE MATTER OF THE APPLICATION OF THE WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST AND REFUNDING MORTGAGE FOR FIVE MILLION DOLLARS (\$5,000,000).

Determination. December 18, 1906.

Application having been made to this Board on November 30, 1906, by the Western New York and Pennsylvania Traction Company, under subdivision 10 of section 4 of the Railroad Law, for consent to the issuance by said company of a first and refunding mortgage for five million dollars (\$5,000,000); and a hearing having been given on said application by this Board in the city of New York on December 18, 1906, W. L. Marcy appearing for the applicant; and the purposes to which the proceeds of said mortgage are to be devoted appearing from the affidavits of George A. Ricker and Wilson R. Page herein; and it appearing that the owners of capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said mortgage, it is

Ordered, That the Board of Railroad Commissioners consents and it does hereby consent to the issuance by the Western New York and Pennsylvania Traction Company of a first and refunding mortgage for five million dollars (\$5,000,000) on condition that but two million five hundred thousand dollars (\$2,500,000) bonds under said first and refunding mortgage shall be

issued under this consent, and on condition that before the remaining two million five hundred thousand dollars (\$2,500,000) bonds under said first and refunding mortgage, or any portion of the said remaining two million five hundred thousand dollars (\$2,500,000) bonds shall be issued application shall be made to this Board and this Board's consent received to the issuance of said remaining two million five hundred thousand dollars (\$2,500,000) bonds or any portion thereof. (Case No. 3834.)

XX.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND PORT CHESTER RAILROAD COMPANY FOR THE CONSENT OF THE BOARD OF RAILROAD COMMISSIONERS TO THE MAKING BY IT OF A MORTGAGE UPON ITS FRANCHISES AND PROPERTY.

Determination. December 28, 1906.

Hearings by this Board having been had upon the petition heretofore filed herein upon due service of notices of hearing upon all parties in interest, and having heard the proofs submitted by the petitioner, and it appearing that heretofore proceedings in due form had been taken by the stockholders and directors of the petitioner for the issue of the bonds of said railroad company to the amount of \$20,000,000, at par value, to be secured by a first mortgage upon all its rights, privileges, franchises, real estate, rolling stock and other equipment, and that said issue had been heretofore duly authorized by the stockholders and directors of said petitioner; said bonds to be payable in fifty years from the date of said mortgage or deed of trust and to bear interest at the rate of five per centum per annum, payable semi-annually, the proposed form of which mortgage has been submitted to this Board accompanying the petition herein, and it appearing that substantially all of the capital stock of the New York, Westchester and Boston Railway Company, a railroad corporation whose proposed line of railroad is to be constructed in substantially the same territory as the line of the petitioner railroad, is owned by the owner of all of the shares of the capital stock of said petitioner, and that the New York, Westchester and Boston Railway Company has heretofore issued its first mortgage bonds secured by a mortgage or deed of trust upon its railroad properties and franchises, \$15,000,000 of which bonds are now outstanding; and after hearing William C. Trull, Esq., and Frank Sullivan Smith, Esq., of counsel for said petitioner, there being no opposition to said application, and this Board having duly deliberated upon the proofs submitted by the petitioner, it is

Ordered, That the petition of the New York and Port Chester Railroad Company for the consent of this Board to the execution and delivery of said mortgage and the bonds to be secured thereby, be, and the same hereby is, granted in accordance with the provisions of subdivision 10 of section 4 of the Railroad Law, but at no time under this approval shall the aggregate amount of mortgage bonds, which shall be outstanding upon the railroad properties and franchises both of the New York and Port Chester Railroad Company and of the New York, Westchester and Boston Railway Company, exceed the sum of \$20,000,000, and no bonds shall be issued under this approval by the New York and Port Chester Railroad Company in excess of five million dollars (\$5,000,000) except that before the actual issue of any bond in excess of said five million dollars (\$5,000,000), or simultaneously with such issue, an equal amount, at par, of said New York, Westchester and Boston Railway Company bonds shall be retired, surrendered and cancelled. (Case No. 3733.)

XXI.

IN THE MATTER OF THE APPLICATION OF THE BUFFALO AND LAKE ERIE TRACTION COMPANY FOR CONSENT OF THIS BOARD TO THE ISSUANCE OF A FIRST AND REFUNDING MORTGAGE FOR TWELVE MILLION DOLLARS (\$12,000,000).

Determination. December 28, 1906.

Application having been heretofore made to this Board by the Buffalo and Lake Erie Traction Company, under the provisions of the Railroad Law, for consent to the issuance of a first and refunding mortgage, securing a total authorized issue of twelve million dollars (\$12,000,000) of first and refunding mortgage, five per cent. thirty-year gold bonds, by the Buffalo and Lake Erie Traction Company, a corporation formed pursuant to the laws of the States of New York and Pennsylvania by the consolidation and merger of the Hamburg Railway Company, Dunkirk and Fredonia Railroad Company, Buffalo, Dunkirk and Western Railroad Company, Lake Erie Electric Traction Company, and Erie Rapid Transit Company, and hearings having been given on said application before this Board, Parker, Hatch & Sheehan appearing for the applicant, and the purposes for which said first and refunding mortgage is to be issued appearing from the verified petition and other papers submitted, and it appearing that the owners of the capital stock of the company to an amount equal to that required by the statute have consented to the issuance of said first and refunding mortgage, it is

Ordered, That the Board of Railroad Commissioners consents, and it does hereby consent, to the issuance by the Buffalo and Lake Erie Traction Company, a corporation formed pursuant to the laws of the States of New York and Pennsylvania, of its first and refunding mortgage for twelve million dollars (\$12,000,000). (Case No. 3786.)

XXII.

IN THE MATTER OF THE APPLICATION OF THE BUFFALO, BATAVIA AND ROCHESTER ELECTRIC RAILWAY COMPANY FOR CONSENT TO THE ISSUANCE OF A FIRST MORTGAGE FOR \$3,500,000.

December 29, 1906.

See p. 178, 1st vol., 1904, and p. 130, 1st vol., 1905 reports of this Board. (Case No. 3368.)

Applications for Certificate Under Section 59 of the Railroad Law.

I.

IN THE MATTER OF THE APPLICATION OF THE BRONX, YONKERS AND WHITE PLAINS RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

December 13, 1905.

This application was filed with this Board on March 30, 1905. Public hearings in the matter were held. On December 13, 1905, the application was dismissed without a written order, owing to defective articles of association, the acknowledgment of some of the incorporators being taken by another incorporator. See matter of other application by company of this name under this title in this volume. (Case No. 3319.)

II.

IN THE MATTER OF THE APPLICATION OF THE TICONDEROGA UNION TERMINAL RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 13, 1905.

This application, by the Ticonderoga Union Terminal Railroad Company, for a certificate under section 59 of the Railroad Law, was filed with this Board on July 27, 1905, the applicant proposing to build a street surface railroad from a point at or near the center line of the Rutland Railroad Company's track at Addison Junction in the town of Ticonderoga, Essex county, to and through the village of Ticonderoga to a point at or near the entrance of the lumber yard of the Smith Lumber Company, a distance of about five miles. Public hearings in the matter were given by this Board in Albany on September 5, October 11 and November 9. Holmes, Bryan & Holmes appeared for the applicant; F. T. Locks, H. J. Belden and others also appeared in favor of the application; L. E. Carr and W. F. Rathbone appeared for The Delaware and Hudson Company, in opposition to the application. As at first proposed the applicant's railroad would cross the steam railroad operated by The Delaware and Hudson Company at six points, one of these crossings being of the main line. At the hearing on November 9 the applicant offered evidence showing that by a change of route, its railroad could avoid all but two of these crossings and that one of the two could be an undercrossing of the Baldwin branch of the steam railroad, the other being a crossing at grade of a siding. The applicant, however, has not taken steps to change its route under the statute (section 13, Railroad Law).

It appeared that, perhaps, if this certificate was granted, the railroad would be extended to the foot of Lake George. It also appeared that the proposed railroad would carry freight.

After consideration of the evidence this Board does not believe that public convenience and a necessity require the construction of the applicant's railroad. The six proposed crossings of The Delaware and Hudson Company's railroad (sidings and main lines) are objectionable features if the route was not changed. The population to be served by the proposed railroad is but between five and six thousand, and evidence was presented as to expected summer tourists travel. This population and tourist travel is now served by The Delaware and Hudson Company's railroad. Witnesses testified that in their opinion the proposed railroad is a necessity but the details of the testimony were not at all convincing on this subject; that some freight or some passengers might be carried on the railroad if constructed is probably true, but we do not believe from the evidence that sufficient freight and passengers would

be carried to justify us in certifying that public convenience and a necessity require the construction of the railroad.

The certificate applied for is hereby refused.

This matter was appealed to the Appellate Division and this determination was sustained. It has not been further appealed. The decisions of the Appellate division will be found in this volume under this title. (Case No. 3395).

III.

IN THE MATTER OF THE APPLICATION OF GENESEE RIVER RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 13, 1905.

Ordered, That said application be, and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies, under section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant, Genesee River Railroad Company, and that public convenience and a necessity require the construction of the railroad of the applicant, Genesee River Railroad Company, as proposed in its articles of association. (Case No. 3435.)

IV.

IN THE MATTER OF THE APPLICATION OF THE ELM STREET CONNECTING RAILWAY COMPANY OF THE CITY OF NEW YORK FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 10, 1906.

This application was filed with this Board on June 8, 1900. A public hearing in the matter was held. On January 10, 1906, the matter of the application was closed, the applicant not having proceeded. (Case No. 2879.)

V.

IN THE MATTER OF THE APPLICATION OF THE VERMONT AND WHITEHALL RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 10, 1906.

This application was filed with this Board on February 21, 1903. On January 10, 1906, the matter of this application was closed, the applicant not having proceeded. (Case No. 2856.)

VI.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK AND STAMFORD RAILWAY COMPANY, UNDER SECTION 59-A OF THE RAILROAD LAW, AS TO AN EXTENSION OR EXTENSIONS OF ITS ELECTRIC RAILWAY.

January 10, 1906.

This application was filed with this Board on March 25, 1903. A public hearing in the matter was held on January 10, 1906, and the matter of the application was closed, the applicant not having proceeded. (Case No. 2879.)

VII.

IN THE MATTER OF THE APPLICATION OF THE LYONS AND SODUS BAY RAILWAY COMPANY FOR A CERTIFICATE, UNDER SECTION 59 OF THE RAILROAD LAW.

January 10, 1906.

This application was filed with this Board on July 16, 1901. A public hearing in the matter was held. On January 10, 1906, the matter of the application was closed, the applicant not having proceeded. (Case No. 2502.)

VIII.

IN THE MATTER OF THE APPLICATION OF THE ELMIRA, CORNING AND WAVERLY RAILWAY FOR A CERTIFICATE, UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. February 6, 1906.

The Board of Railroad Commissioners hereby certifies, under the provisions of section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant, the Elmira, Corning and Waverly Railway, and that public convenience and a necessity require the construction of the railroad of the said applicant, the Elmira, Corning and Waverly Railway, as proposed in the articles of association of said railway.

Memorandum.

Appearances: C. A. Collin, A. O. Wade, Thomas O'Connor and F. E. Hawkes, for the applicant; A. C. Wade also appeared for the Waverly, Sayre and Athens Traction Company in favor of the application; Boyd McDowell and Theodore R. Tuthill for the Chemung Valley Traction Company, in opposition; Edward Sebring for the highway commissioner of the town of Barton, Tioga county, in opposition; Seymour Lowman for the village of Wellsburg, Chemung county, and the town of Chemung, town of Ashland and town of Southport, Chemung county, in opposition; Richard H. Thurston, city attorney, for the city of Elmira, in opposition; H. S. Thayer for himself and others in opposition; Baldwin, Turnbull & Allison for Hans Peterson and other property owners, in opposition; E. J. Baldwin for himself and J. L. Storms, property owners, in opposition; Burton S. Chamberlain for Bessie Rowe and Edward L. Rowe, in opposition; John B. Stanchfield for the Erie Railroad Company, in opposition, and for the Delaware, Lackawanna and Western Railway Company; Diven & Diven for the Northern Central Railway Company; H. H. Rockwell for James H. Owen and other property owners; J. C. Ingham for the Sayre and South Waverly Railway Company (a Pennsylvania corporation).

This application, by the Elmira, Corning and Waverly Railway, was filed with this Board on September 5, 1905. It asks the Board for a certificate, under section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, and that public convenience and a necessity require the construction of the applicant company's railroad, which is to be constructed and operated from Waverly to and through Elmira to Corning, a distance of about thirty-seven miles. The applicant company is to build a street surface railroad to be operated by the overhead electrical trolley system. Waverly has a population of 4,915; Wellsburg (which is the only incorporated village between Waverly and Elmira) has a population of 481; Elmira has a population of 34,687; Corning has a population of 13,515; Painted Post has a population of 1,061. There are no incorporated villages reached by the company's route between Elmira and Corning. The Erie Railroad Company and the Delaware, Lackawanna and Western Railroad Company now operate steam railroads between Waverly and Corning, and, although appearing in this application as noted above, their appearances were perfunctory so far as opposition is concerned. The Northern Central Railway Company was also represented.

Public hearings on this application were given by this Board in the city of Elmira on September 26, November 28 and 29, and in the city of Albany on January 10, 1906. A large amount of testimony was taken and the reasons favoring the granting of the application as well as those against granting it were presented in full and have been carefully considered by us.

After such consideration this Board finds from the evidence that public convenience and a necessity requires the construction of the railroad of this company and has on this date issued to said company the certificate, under section 59 of the Railroad Law, applied for. The existence of the steam

railroads between Waverly and Corning does not clash with this conclusion, as it is evident that this proposed railroad will serve the interests and convenience of the public for local service between these points which the steam railroads do not and cannot well serve. Besides, the steam companies' appearances were, as stated above, only perfunctory. The granting of this certificate will best meet the needs of Waverly and Elmira and the intervening communities, and will best meet the needs of Elmira and Corning and the intervening communities for a street surface electric railroad. It appears from the evidence that the projectors of this line have been operating for several years a street surface railroad known as the Waverly, Sayre and Athens Traction Company's railroad at one of the proposed termini, and this applicant company's railroad affords a necessary connection without impairing or destroying vested rights, and it is assured a certain amount of business from the Waverly Traction Company's railroad. It further appears from the evidence that the projectors of this line have secured traffic arrangements with the Elmira Water, Light and Railroad Company, permitting it to use the tracks of said company in and through the city of Elmira. It also appears from the evidence that the projectors of this line are the owners of and are now operating the Corning and Painted Post electric street railway. So that the building of the connecting link asked for in this application will furnish a continuous electric railroad line from Athens, Pa. (where the traction company's railroad begins), through Sayre, Pa., to and through Waverly, N. Y., to and through Elmira, N. Y., to and through Corning, N. Y., and to Painted Post, N. Y., with all the resulting advantages that must accrue from frequent and rapid communication between the villages and cities of this well-settled community. Aside from the through line thus to be formed the evidence shows that for the construction of this railroad from Waverly to and through Elmira, to and through Corning and to Painted Post, there is a public convenience and a necessity. This Board has on this date refused a certificate, under section 59 of the Railroad Law, to the Chemung Valley Traction Company, which proposed to operate a street surface electric railroad from Waverly to Elmira, and considerations entering into the granting of this application (so far as they relate to the building of this applicant's line between Waverly and Elmira) and the refusal of the Chemung company's application, which are set forth in the memorandum in the Chemung company's case, are repeated here in part and included in this memorandum, as follows:

"From the evidence in the Chemung company's case as well as in the Elmira company's case it is apparent that public convenience and a necessity do not require the construction of two electric railroads between Waverly and Elmira, and in our opinion it is clear and without doubt that the public convenience and necessity which will be served by an electric railroad between Waverly and Elmira will far better be served by the construction of the Elmira company's railway, as a link in said continuous route, than it would be by the construction of the Chemung company's railway. Indeed, it may be said that should the Chemung company have received a certificate and such action resulted in the non-formation of the continuous route it would be decidedly against the interests of the public in this locality. Were it apparent from the evidence that the community between Waverly and Elmira would support two electric railroads or that two would probably be built these considerations might not be so conclusive as they are, but when it is apparent that but one road is necessary, the one which will give the public the greater return in convenience for the franchises received is obviously the one which should be granted a certificate, and this one is the Elmira company. The position of local authorities in relation to these two applications has been well considered by us."

The opposition of the local authorities to the granting of a certificate to this company has received due consideration from this Board, but most of it relates to matters which this company must meet in the future under the provisions of the Railroad Law covering the construction of street surface railroads.

The Chemung Valley Traction Company alleges in opposition that the filing with this Board of the petition of the Elmira, Corning and Waverly Company before that company had concluded the publication of its articles of association was not a compliance with the statute, which is that "The foregoing certificate shall be "applied for within six months after the completion of the three weeks' publication hereinbefore provided for." This Board is convinced that the filing of the petition was not in contravention of the statute (or it would not have allowed it to be filed). We believe that the word "shall" in the statute means "must" and is a limitation upon the time when a certificate can be applied for after the completion of the publication so that the matter brought to the public mind by the publication may not pass therefrom through the elapsing of a long time. The legislature apparently did not have in mind that it would be the duty of this Board to give the public notice it does give on all applications to it of this kind. The language is not, in the opinion of this Board, a direction that the *petition* for the certificate must not be made until after the publication of the articles of association. In this instance it is proper to say that the applicant company began the publication of its articles of association before the petition was filed, and notice of hearing before this Board was given to local authorities and railroad companies and was being published during the time the articles of association were being published and in the same as well as additional newspapers. The first hearing was held after the completion of the publication of the articles of association, the proof of which publication was filed with this Board at the first hearing on September 26.

It is also alleged in opposition by the Chemung Valley Traction Company that the route of the Elmira, Corning and Waverly Railway, near Waverly, leaves the State, "beyond your jurisdiction," passing into Pennsylvania for a short distance and returning to the State. This, it seem to us, has no bearing on the action of this Board in granting to the company a certificate, under section 59 of the Railroad Law of this State, that public convenience and a necessity require the construction of the railroad in this State.

It may be said, too, that the Board is convinced from the evidence presented to it in executive session that the projectors of this railroad have the financial ability and intend in good faith to build the railroad.

Upon all the evidence and for the reasons given the certificate, under section 59 of the Railroad Law, applied for by the Elmira, Corning and Waverly Railway has been issued.

See determination immediately following. (Case No. 3412.)

IX.

IN THE MATTER OF THE APPLICATION OF THE CHEMUNG VALLEY TRACTION COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. February 6, 1906.

Appearances: Boyd McDowell and Theodore R. Tuthill for the applicant; Richard H. Thurston, city attorney, for the city of Elmira, in favor of the application; F. L. Howard for the president of the village of Waverly and for the highway commissioners of the town of Barton, Tioga county, in favor of the application; Seymour Lowman for the trustees of the village of Wellsburg, Chemung county, and the highway commissioners of the towns of Southport, Ashland and Chemung, Chemung county; Frank A. Bell for John Wilson and others in opposition to the route proposed by the company; John B. Stanchfield for the Erie Railroad Company, in opposition, and for the Delaware, Lackawanna and Western Railroad Company; Thomas O'Connor and George

McCann for the Elmira and Waverly Railway Company, in opposition; J. B. Fisher and A. C. Wade for the Waverly, Sayre and Athens Traction Company, in opposition.

This application, by the Chemung Valley Traction Company, was filed with this Board on April 4, 1906. It asks the Board for a certificate under section 59 of the Railroad Law that the conditions of said section have been complied with by the applicant company and that public convenience and a necessity require the construction of the applicant company's railroad as proposed in its articles of association from a point in the city of Elmira, Chemung county, to a point in the village of Waverly, Tioga county, a distance of eighteen and one-half miles. The applicant proposed to build a street surface railroad to be operated by the overhead electrical trolley system. Waverly has a population of 4,915; Wellsburg (which is the only incorporated village between Waverly and Elmira) has a population of 481; Elmira has a population of 34,687. The Erie Railroad Company and the Delaware, Lackawanna and Western Railroad Company now operate steam railroads between Waverly and Elmira and, although appearing as noted above, their appearances were perfunctory so far as opposition is concerned.

Public hearings on this application were given by this Board in the city of Elmira on May 16 and June 13 and in the village of Waverly on August 22, at which time the Board made a personal inspection of the proposed route of the applicant company. A large amount of testimony was taken and reasons favoring the granting of the application as well as those against granting it were presented in full and have been carefully considered by us.

After such consideration this Board has concluded that public convenience and a necessity do not require the construction of the applicant company's proposed railroad for the following reasons:

After the applicant company (hereinafter called the Chemung company) had filed this application, an application was filed with this Board by the Elmira, Corning and Waverly Railway (hereinafter called the Elmira company) asking that the Board grant to it a certificate under section 59 of the Railroad Law, it proposing to build and operate a street surface railroad to be operated by the overhead electrical trolley system from Waverly to and through Elmira to Corning, and this Board has on this date granted said application and issued a certificate to the Elmira company. This Board having received notice of the Elmira company's proposed application, determined that both applications would be heard through before a determination would be reached in either.

It appears from the evidence taken in the hearings on these applications of the Chemung company and the Elmira company that interests owning the Elmira company now own and operate by the overhead electrical trolley system a street surface railroad extending from Athens, Pa., through Sayre, Pa., to and in Waverly, N. Y., and a street surface railroad operated by the overhead electrical trolley system in Corning and extending therefrom to and in Painted Post, which railroads have been serving the public for a number of years, and and it was further shown that the projectors of the Elmira company have a contract for trackage rights for it through Elmira on the Elmira Water, Light and Railroad Company's railroad which is the local railroad in Elmira. It will thus be seen that construction by the Elmira company from Waverly to Corning will be the last link in a continuous street surface electric railroad, owned by the same interests, extending from Athens, Pa., to and through Sayre, Pa., to and through Waverly, N. Y., to and through Elmira, N. Y., to and through Corning, N. Y., to Painted Post, N. Y.

From the evidence in the Chemung company's case as well as in the Elmira company's case it is apparent that public convenience and a necessity do not require the construction of two electric railroads between Waverly and Elmira, and in our opinion it is clear and without doubt that the public convenience and necessity which will be served by an electric railroad between Waverly and Elmira will far better be served by the construction of the Elmira company's railway, as a link in said continuous route, than it would be by the construction of the Chemung company's railway. Indeed, it may be said that should the Chemung company have received a certificate and such action resulted in the non-formation of the continuous route it would be decidedly

against the interests of the public in this locality. Were it apparent from the evidence that the community between Waverly and Elmira would support two electric railroads or that two would probably be built these considerations might not be so conclusive as they are, but when it is apparent that but one road is necessary, the one which will give the public the greater return in convenience for the franchises received is obviously the one which should be granted a certificate, and this one is the Elmira company. The position of local authorities in relation to these two applications has been well considered by us.

There are other conditions bearing on the question, such as the Chemung company's proposed line in Waverly paralleling, at least in part, the existing line, and the proposition to thus interfere with vested rights of a company which has served the public for a number of years, having paid but one small dividend and without having earned interest on its bonds in the last two years as appears by the annual reports of the Waverly, Sayre and Athens Traction Company, is one which does not commend itself to the Board. There is also the question, referred to in the testimony, of the possibility of delay in the Chemung company securing its complete line in the city of Elmira, whereas the Elmira company, as stated, has an arrangement for trackage rights from the existing electric railroad.

Upon all the evidence and for the reasons given the application of the Chemung Valley Traction Company for a certificate under section 59 of the Railroad Law is hereby refused.

There was no appeal in this case. (Case No. 3323.)

X.

IN THE MATTER OF THE APPLICATION OF THE LAKE KEUKA AND EAST SIDE RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

February 13, 1906.

This application was filed with this Board on May 26, 1903. A second application, on amended articles of association, was filed with this Board on December 7, 1903. Public hearings on both applications were held. The matter of the application was closed, the applicant not having proceeded. (Case No. 2921.)

XI.

IN THE MATTER OF THE APPLICATION OF THE WILLIAMS TERMINAL RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. February 20, 1906.

On reading and filing the application of the Williams Terminal Railway Company for a certificate under section 59 of the Railroad Law, verified November 10, 1905, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of New York on January 30 and February 20, 1906, Dykman & Carr appearing for the applicant; Fullerton Wells appearing for the Twelfth Assembly District (Brooklyn) Municipal Ownership League in opposition; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad; it is

Ordered, That said application be and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law that the conditions of said section have been complied with by the applicant company, the Williams Terminal Railway Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3454.)

XII.

IN THE MATTER OF THE APPLICATION OF THE BRONX, YONKERS AND WHITE PLAINS RAILWAY COMPANY FOR A CERTIFICATION UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. March 21, 1906.

On reading and filing the application of the Bronx, Yonkers and White Plains Railway Company for a certificate under section 59 of the Railroad Law, verified January 17, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of New York on February 20 and 23, 1906, Daniel DeWolf Wever, F. M. Winslow and W. C. Shires appearing for the applicant; Mills & Johnson and H. A. Robinson appearing for the Yonkers Railroad Company in opposition; Thomas F. Curran, city attorney, appearing for the city of Yonkers; A. B. Quencer appearing for the New York Central and Hudson River Railroad Company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad; it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Bronx, Yonkers and White Plains Railway Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association.

See matter of other application by company of this name under this title in this volume. (Case No. 3486.)

XIII.

IN THE MATTER OF THE APPLICATION OF THE GENEVA, PHELPS AND NEWARK RAILROAD COMPANY FOR A CERTIFICATION UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. March 21, 1906.

On reading and filing the application of the Geneva, Phelps and Newark Railroad Company for a certificate under section 59 of the Railroad Law, dated December 23, 1905, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of Geneva on February 27, 1906, and in the city of Albany on March 21, 1906, L. G. Hoskins appearing for the applicant; Harris & Harris appearing for the New York Central and Hudson River Railroad Company, in opposition; Goodelle, Nottingham Brothers & Andrews appearing for the Newark and Marion Railway Company; W. H. Welch appearing for the

Northern Central Railroad Company, and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad; it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law that the conditions of said section have been complied with by the applicant company, the Geneva, Phelps and Newark Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3473.)

XIV.

IN THE MATTER OF THE APPLICATION OF THE WALLULA AND OSWEGATCHIE RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. April 3, 1906.

On reading and filing the application of the Wallula and Oswegatchie Railroad Company, dated December 5, 1905, for a certificate under section 59 of the Railroad Law, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of Albany on January 9 and April 3, 1906, Cushing & Cushing appearing for the applicant; W. P. Rudd appearing for the New York Central and Hudson River Railroad Company, in opposition, which opposition was subsequently withdrawn; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad; it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law that the conditions of said section have been complied with by the applicant company, the Wallula and Oswegatchie Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3465.)

XV.

IN THE MATTER OF THE APPLICATION OF THE HUDSON RIVER AND EASTERN TRACTION COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. June 4, 1906.

On reading and filing the application of the Hudson River and Eastern Traction Company for a certificate under section 59 of the Railroad Law, dated March 10, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of New York on March 27, April 10, May 9 and May 23, 1906, Parker, Hatch & Sheehan appearing for the applicant; Walter W. Law, Jr., president of the village of Briarcliff Manor, appearing in favor of the application; Charles M. Lane, president of the village of Pleasantville, appearing in favor of the application; Frank L. Young, corporation counsel of the village of Ossining, appearing in favor of the application; Robert E. Farley and Edgar

T. Brackett appearing for the Westchester Traction Company, in opposition to the application; C. C. Paulding and A. B. Quencer appearing for the New York Central and Hudson River Railroad Company in relation to proposed crossings of railroads operated by that company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad; it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law that the conditions of said section have been complied with by the applicant company, the Hudson River and Eastern Traction Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association.

A writ of certiorari, on behalf of the Westchester Traction Company, has been served on this Board in this matter, but at the time of writing this report the return has not been made, although it is in the hands of the attorney for the relator for printing. (Case No. 3530.)

XVI.

IN THE MATTER OF THE APPLICATION OF THE CARTHAGE AND COPENHAGEN RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. July 2, 1906.

On reading and filing the application of the Carthage and Copenhagen Railroad Company for a certificate under section 59 of the Railroad Law, dated May 14, 1906, the articles of association of said company and due proof of the publication thereof; and after a public hearing on said application in the city of Albany on July 2, 1906, W. B. Van Allen appearing for the applicant; Harris & Rudd appearing for the New York Central and Hudson River Railroad Company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Carthage and Copenhagen Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its articles of association. (Case No. 3583.)

XVII.

IN THE MATTER OF THE APPLICATION OF THE DANBURY AND PORT CHESTER RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. July 16, 1906.

On reading and filing the application of the Danbury and Port Chester Railroad Company for a certificate under section 59 of the Railroad Law, dated June 23, 1906, the articles of association of said company and due

proof of publication thereof; and after a public hearing on said application in the city of New York on July 16, 1906, William Greenough appearing for the applicant, James E. Walsh appearing for the Danbury and Harlem Traction Company, and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Danbury and Port Chester Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its articles of association. (Case No. 3626.)

XVIII.

IN THE MATTER OF THE APPLICATION OF THE ADIRONDACK AND ST. LAWRENCE RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. July 31, 1906.

On reading and filing the application of the Adirondack and St. Lawrence Railroad Company for a certificate under section 59 of the Railroad Law, dated June 13, 1906, the articles of association of said company and due proof of the publication thereof; and after a public hearing on said application in the city of Utica on July 31, 1906, Underwood, Van Vorst & Hoyt appearing for the applicant; G. T. Chaney appearing for the highway commissioners of the towns of Harmon and DeKalb, St. Lawrence county; Lewis, Watkins and Titus appearing for the New York Central and Hudson River Railroad Company, not in opposition; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Adirondack and St. Lawrence Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its articles of association. (Case No. 3601.)

XIX.

IN THE MATTER OF THE APPLICATION OF THE PAUL SMITH'S ELECTRIC LIGHT AND POWER AND RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. August 1, 1906.

On reading and filing the application of the Paul Smith's Electric Light and Power and Railroad Company for a certificate under section 59 of the Railroad law dated May 25, 1906, the articles of association of said company and due proof of the publication thereof; and after a public hearing on said application in the city of Utica on July 31, 1906, Badger & Cantwell appearing for the applicant; Lewis, Watkins and Titus appearing for the New York Central and Hudson River Railroad Company; and after hearing evidence

and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Paul Smith's Electric Light and Power and Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in said articles of association. (Case No. 3605.)

XX.

IN THE MATTER OF THE APPLICATION OF THE ROCHESTER, SCOTTSVILLE AND CALEDONIA ELECTRIC RAILROAD COMPANY (STREET SURFACE) FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. October 17, 1906.

On reading and filing the application of the Rochester, Scottsville and Caledonia Electric Railroad Company for a certificate under section 59 of the Railroad Law dated March 10, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearing on said application in the city of Rochester on April 17, in the city of Albany on June 5, in the city of Corning on July 10, and in the city of Rochester on September 19, 1906, Lewis & McKay appearing for the applicant, George Hollister appearing for the Pennsylvania Railroad Company, Harris & Harris appearing for the New York Central and Hudson River Railroad Company, Goodelle, Nottingham Bros. & Andrews appearing (by written notice) for the Rochester, Syracuse and Eastern Railroad Company, John S. Rockwell appearing for the Buffalo, Rochester and Pittsburg Railway Company in opposition, Orcutt, Robbins & Brown and C. D. Newton appearing for the Erie Railroad Company in opposition, Herbert P. Bissell appearing for the Buffalo and Rochester Traction Company in opposition; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Rochester, Scottsville and Caledonia Electric Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3532.)

XXI.

IN THE MATTER OF THE APPLICATION OF THE MALONE, FORT COVINGTON AND HOPKINS POINT RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

October 17, 1906.

This application was filed with this Board on August 17, 1906. A public hearing in the matter was held. On October 17, 1906, the matter of the appli-

cation was closed and the applicant notified this Board that it would file with it a new petition on an amended certificate of incorporation. This was done. See matter of application by company of the same name under this title in this volume. (Case No. 3686.)

XXII.

IN THE MATTER OF THE APPLICATION OF THE FORT GEORGE STREET RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. November 9, 1906.

On reading and filing the application of the Fort George Street Railway Company for a certificate under section 59 of the Railroad Law dated September 7, 1906, the articles of association of said company and due proof of the publication thereof; and after a public hearing on said application in the city of New York on October 30, 1906, A. L. Everett appearing for the applicant and no one else appearing; and after hearing evidence and arguments; and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and it is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Fort George Street Railway Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3709.)

XXIII.

IN THE MATTER OF THE APPLICATION OF THE FRONTIER ELECTRIC RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. November 14, 1906.

On reading and filing the application of the Frontier Electric Railway Company for a certificate under section 59 of the Railroad Law, dated September 3, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of Buffalo on October 11 and November 14, 1906, Cohn & Chormann appearing for the applicant; Pooley & Spratt appearing for the New York Central and Hudson River Railroad Company, in operation; Moot, Sprague, Brownell & Marcy appearing for the Erie Railroad Company, in opposition; Bissell, Carey & Cooke appearing for the Buffalo, Thousand Islands and Portland Railroad Company; F. J. Mackenna appearing for the city of Niagara Falls, in favor of the application; Joseph G. Dudley appearing for the Buffalo Frontier Terminal Railroad Company (it being stated at the hearing on November 14 by Bissell, Carey & Cooke that the Buffalo, Thousand Islands and Portland Railroad Company withdrew its opposition, and Pooley & Spratt for the New York Central and Hudson River Railroad Company withdrew its opposition); and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Frontier Electric Railway Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3701.)

XXIV.

IN THE MATTER OF THE APPLICATION OF THE PUTNAM AND WESTCHESTER TRACTION COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 4, 1906.

On reading and filing the application of the Putnam and Westchester Traction Company for a certificate under section 59 of the Railroad Law, dated September 25, 1906, the articles of association of said company and due proof of the publication thereof; and after a public hearing on said application in the city of New York on November 21, 1906, Parker, Hatch & Sheehan appearing for the applicant and no one else appearing; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law that the conditions of said section have been complied with by the applicant company, the Putnam and Westchester Traction Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3777.)

XXV.

IN THE MATTER OF THE APPLICATION OF THE BUFFALO AND LACKAWANNA TRACTION COMPANY (STREET SURFACE) FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 5, 1906.

On reading and filing the application of the Buffalo and Lackawanna Traction Company for a certificate, under section 59 of the Railroad Law, dated July 9, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of Buffalo on October 11 and November 15, 1906, Nellany & Georgi, John Cunneen and Parker, Hatch & Sheehan appearing for the applicant; Bissell, Carey and Cooke appearing for the Lehigh Valley Railway Company, the Lehigh and Lake Erie Railroad Company, the Pioneer Real Estate Company and the Buffalo and Susquehanna Railway Company; Frank Rumsey appearing for Samuel Rae and the Union Terminal Railroad Company; Thomas P. Powell appearing for the Lake Shore and Michigan Southern Railway Company; Rogers, Locke & Babcock appearing for the Delaware, Lackawanna and Western Railroad Company; Moot, Sprague, Brownell & Marcy appearing for the Erie Railroad Company and for the Buffalo Creek Railroad Company; Norton, Penney & Sears appearing for the International

Railway Company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Buffalo and Lackawanna Traction Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3639.)

XXVI.

IN THE MATTER OF THE APPLICATION OF THE TUSCARORA TRACTION COMPANY (STREET SURFACE) FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 5, 1906.

On reading and filing the application of the Tuscarora Traction Company for a certificate under section 59 of the Railroad Law, dated August 11, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application, in the city of Elmira on October 23, and in the city of Albany on December 4, 1906,—Boyd McDowell appearing for the applicant, Edwin C. Smith appearing for the towns of Addison, Tuscarora, Woodhull and Jasper, and the villages of Addison and Woodhull, in favor of the application, G. N. Orcutt appearing for the Erie Railroad Company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Tuscarora Traction Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3687.)

XXVII.

IN THE MATTER OF THE APPLICATION OF THE DUNKIRK STREET RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 5, 1906.

On reading and filing the application of the Dunkirk Street Railway Company for a certificate, under section 59 of the Railroad Law, dated May 15, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in Dunkirk on June 28 and in Buffalo on July 25 and September 17, 1906; Parker, Hatch & Sheehan and Nellany & Georgi appearing for the applicant; Evan Hollister appearing for the New York, Chicago and St. Louis Railroad Company; Frank Rumsey appearing for the Pennsylvania Railroad Company. Thomas D. Powell, attorney, and H. M. North, C. E., appearing for the Lake Shore and Michigan Southern Railway Company and for the Dun-

kirk, Allegheny Valley and Pittsburgh Railroad Company; Jerome B. Fisher appearing for the Erie Railroad Company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity do not require the construction of all of said company's said railroad as proposed in its articles of association but do require the construction of the part of the said railroad hereinafter described, it is

Ordered, That the Board of Railroad Commissioners shall certify and it does hereby certify, under sections 59 and 59a of the Railroad Law, that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction in the city of Dunkirk of that part of the said railroad of said Dunkirk Street Railway Company, stated in its articles of association, hereinafter set forth, to wit: Central avenue, Prospect street, Brigham road, West Sixth street, Dove street, West Fifth street, West Fourth street, East Seventh street, East Sixth street, East Fourth street, Bass street, Lion street, Smith street, Doughty street, Roberts road, West Second street, East Second street, West Front street, East Front street, Light street, Middle road, Lake road; the portions of said streets to which this certificate applies being shown by a blue print map attached hereto on which is marked in red said portions of said streets to which this certificate applies.

The map referred to in this certificate is not printed here. (Case No. 3580.)

XXVIII.

IN THE MATTER OF THE APPLICATION OF THE CATSKILL MOUNTAIN AND MOHAWK VALLEY RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 5, 1906.

Appearances: Herbert T. Jennings and H. C. Henderson for the applicant; Amos VanEatten for the Ulster and Delaware Railroad Company; H. C. Mitchell for the Catskill Electric Railway Company; Frost, Daring & Warner for the Albany and Schoharie Valley Railroad Company; L. E. Carr for The Delaware and Hudson Company.

This application, by the Catskill Mountain and Mohawk Valley Railway Company, for a certificate under section 59 of the Railroad Law, was filed with this Board on March 24, 1906. The applicant proposed to build a street surface railroad to be operated by electricity from lands now or formerly owned by the Cairo Railroad Company, in the village of Cairo, Greene county, to a point in the highway leading from Oneonta, which is a continuation of Main street in the village of Oneonta, opposite Glenwood cemetery and where the tracks of the Oneonta, Cooperstown and Richfield Springs Railway Company are now laid in the town of Oneonta, Otsego county, with a spur of about one and three-quarters miles leading from lands now or formerly owned by Arthur Metcalf in the town of Jefferson, Schoharie county, to the Ulster and Delaware railroad depot in the village of Stanford, a distance of seventy-eight (78) miles; the route of the proposed railroad being in the counties of Greene, Delaware, Schoharie and Otsego.

Public hearings on this application were held in Albany on June 5 and October 3, and in Oneonta on June 22 and September 5, 1906.

The certificate of incorporation of this company has annexed thereto a statement of three of the directors of the company to the effect that at least one thousand dollars (ten per cent. of the minimum amount authorized by law) of the capital stock for every mile of road proposed to be built has been subscribed and paid in good faith and in cash to the directors named in the

certificate. It is usual at the outset of the hearing in such applications as this, that the applicant presents proof to this Board as to the good faith of this transaction. At the first hearing in this matter the testimony on this subject of Charles V. D. Peek, one of the directors, was taken, but the treasurer was not present. The Board proceeded with the taking of testimony on the subject of public convenience and a necessity, notwithstanding that the evidence on the subject of the payment of the one thousand dollars a mile as given by Mr. Peek was not satisfactory. At the hearing in Oneonta on June 22, William B. Reed, Jr., treasurer of the company, and Herbert T. Jennings gave testimony on this subject, and while the Board was not satisfied from this testimony that the one thousand dollars a mile had been paid in accordance with the statute, it having proceeded so far in the hearing with the subject of public convenience and necessity, concluded that it would continue to the end, especially as the company undertook to file with the Board thereafter, vouchers showing an expenditure of seventy-eight thousand dollars, which is at the rate of one thousand dollars a mile. Certain papers were thereafter filed with the Board, which, instead of showing an expenditure of seventy-eight thousand dollars, showed a total expenditure of but six thousand and forty dollars and twelve cents (\$6,040.12).

We believe that the testimony of Messrs. Peek, Reed and Jennings demonstrates that the one thousand dollars a mile had not been "paid in good faith and in cash to the directors named in the certificate" prior to the filing of the certificate of incorporation, and thus, in our opinion, the filing of the certificate of incorporation of this applicant company was "void." (Section 2, Railroad Law.)

The certificate applied for, is, therefore, refused. (Case No. 3500.)

XXIX.

IN THE MATTER OF THE APPLICATION OF THE ROCHESTER, CORNING, ELMIRA TRACTION COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 5, 1906.

Appearances: William A. Sutherland, Stephen A. McIntire and Erwin E. Shutt for the applicant; Harris & Harris for the New York Central and Hudson River Railroad Company; Reynolds, Stanchfield & Collin for The Delaware, Lackawanna and Western Railroad Company and the Lehigh Valley Railroad Company, in opposition; Edward G. Herendeen for the Elmira Water, Light and Railroad Company, in opposition; Richard T. Dana for the Dansville and Mount Morris Railroad Company, in opposition; G. N. Orcutt and C. D. Newton for the Erie Railroad Company, in opposition; W. H. Welch and Walter Blythe Thomson for the Northern Central Railroad, relative to proposed crossings of said railroad; W. J. Tully for the Corning and Painted Post Street Railway Company and for the Elmira, Corning and Waverly Railway. Public hearings in this matter were held in Rochester on September 19 and 20, 1906, in Elmira on October 23 and 24, 1906, and in Albany on November 9, 1906.

This application was filed with this Board on August 22, 1906. The applicant company proposes to build a street surface railroad to be operated by electricity from the city of Rochester to the city of Elmira (a distance of 120 miles), its route being located in the counties of Monroe, Livingston, Steuben and Chemung and passing through or near the following villages or hamlets and cities: West Brighton, Lehigh Valley Junction, Henrietta Station, West Henrietta, North Rush, Hart Corners, West Rush, East Avon, South Lima, Lakeville, Livonia, Conesus, Conesus Centre, Scottsburg, Dansville, Weyland, North Cohocton, Atlanta, Blood's Station, Kirkwood, Cohocton, Wallace, Avoca, Kanona, Bath, Savona, Campbell, Crutchlett, Curtisville, Painted Post, Corn-

ing, Gibson and Horseheads. From Rochester to Corning and Elmira the existing steam railroad of the Erie Railroad Company now furnishes facilities for travel in this territory, and the public which it is claimed would be convenience by the construction of the applicant's railroad is now convenience by the steam railroad. While, from Rochester to Wayland the proposed route is from half a mile to five miles from the Erie the greater proportion of the population is nearer to the Erie and at the point of greatest divergence, from the vicinity of North Sparta to Dansville, the Delaware, Lackawanna and Western and the Dansville and Mount Morris steam railroads now serve the public. From Wayland to Bath, Corning and Elmira the applicant's proposed railroad is within a short distance of the existing Lackawanna and Erie railroads. From Rochester to North Rush the Lehigh Valley Railroad as well as the Erie serves the territory. So that the only portion of the applicant's proposed route which is not now served by two steam railroads is that from North Rush to the vicinity of North Sparta, a distance of about twenty-three miles, and here as stated the Erie serves the locality. The communities on the Erie and corresponding communities on the applicant's proposed route in this distance being respectively as follows: Avon, East Avon; Lakeville, Lakeville; Livonia (by the Livonia & Lake Conesus steam railroad), Livonia; South Livonia, Conesus; Conesus Station, Conesus Centre; Webster, Scottsburg. These communities are near together and East Avon, Conesus, Conesus Centre and Scottsburg, which are not on the Erie, are served by Erie stations at Avon, South Livonia, Conesus Station and Webster Crossing. The applicant's proposed route is along the east side of Conesus Lake and would not serve the small communities on the west side of the lake better than they are now served by the Dansville line of the Erie and by the Lackawanna.

Between Corning and Painted Post there is now in operation an electric railroad and between Corning and Elmira there is now under construction an electric railroad.

It will be seen from this analysis of the existing conditions in the applicant's proposed territory that there is no point that is not now served directly by one or more steam railroads except at Scottsburg, Conesus Centre and Conesus, where the location of the Erie Railroad is such that it fairly accommodates these villages; that from Rochester to North Rush two steam railroads accommodate the territory; that from North Sparta to Wayland the Lackawanna accommodates the territory; that from Wayland to Corning the Lackawanna and Erie accommodate the territory; that from Painted Post to Corning an electric railroad also exists; and that from Corning to Elmira the Lackawanna, the Erie, and the electric railroad under construction accommodate the territory.

It is claimed by the applicant that its electric railroad with more frequent cars or trains that are usually run on a steam railroad will serve the convenience of the public better than the steam railroads can. While we have given this contention careful consideration and through our knowledge of other such applications are familiar with it and while there is force in it under many conditions, its force is lost in this case because the Erie has completed the electrification of its line from Rochester to Avon and from Avon to Mount Morris and will begin the operation of electric suburban cars thereon shortly after the first of the new year; also (from the evidence) that it is the intention of the Erie to as soon as practicable electrify its line from Avon to Corning, surveys and preliminary work for such electrification now being under way. It is also contemplated that the Dansville & Mount Morris steam railroad will be electrified, which if carried out will serve a portion of the territory which was proposed to be served by this applicant. It is also in evidence that the Corning & Painted Post Street Railway Company proposes to extend its street surface railroad from Corning to Bath, it having filed under the statute an extension certificate to that effect.

Under these circumstances we are unable to say that public convenience and a necessity require the construction of this applicant's railroad. When the electrification of the Erie from Avon to Corning is completed there will be (in connection with the electric railroad now being built between Elmira

and Corning) a continuous electric railroad from Rochester to Elmira through the territory proposed to be served by this applicant and the operation of frequent electric cars on the Erie through this territory will serve the public in the same way as proposed by this applicant, and thus whatever necessity or convenience may exist for such service is met. Indeed, familiarity with the evidence leads us to the conclusion that it is doubtful, with the Erie electrified, if the applicant's line would be built. It is only between North Rush and Wayland that but one railroad now exists and this is to be electrified.

We say nothing about the conservation of vested rights of railroads now existing. If, having this in mind, we could see a fair probability that public convenience would be served by the new line, the benefit of the doubt would be given to the new line. We cannot see this probability or anything resembling it. That in this State electric railroads have been built alongside steam railroads in thickly settled territory, containing large cities, with benefit to the public and profit to their projectors is true, but there are no such conditions in this territory.

Under the circumstances stated and upon all the evidence we are convinced that public convenience and a necessity do not require the construction of the applicant company's railroad, and its application for a certificate under section 59 of the Railroad Law is hereby denied.

GEORGE W. DUNN,
FRANK M. BAKER,
JOSEPH M. DICKEY.

Dissenting Opinion.

We cannot agree with the conclusions of our colleagues. To us it was clearly demonstrated by the evidence that public convenience and a necessity require the construction of the applicant's railroad. It is known in this State that street surface electric railroads although constructed in territory served by steam railroads facilitate public convenience and necessity in a great degree. To point to one or two instances: There is a steam railroad existing between Rochester and Geneva, and this Board in 1901 was called to pass upon the application of an electric railroad to build from Rochester to Geneva. The steam railroad was furnishing frequent and comfortable service and contended that no convenience and necessity existed for the new road. This Board granted the certificate, the new railroad was built and it has demonstrated (as shown by its earnings) conclusively that public convenience and a necessity required its construction, nor has it been publicly claimed that its existence diminished the earnings of the steam railroad between the same points. In the memorandum of our colleagues in this case they refer to the territory from Rochester to Elmira as not being one thickly settled and not containing large cities, and we therefore point to this Rochester-Geneva case as one which in its being a farming country containing small cities and villages is comparable with the case in point. This Board within a year has granted the application of an electric railroad to construct from Waverly through Elmira to Corning, paralleling the Lackawanna and Erie railroads in a territory almost exactly similar and under conditions almost exactly the same as would exist were this applicant company allowed to build its line. The reasoning on the subject of public convenience and necessity in that matter seems to us to be inconsistent with the reasoning of our colleagues in this matter. Other instances of parallel lines are hereinafter given.

This applicant's railroad if constructed will for nearly half its distance be built almost through the center of a territory which lies between and away from existing steam railroads. A glance at the map it seems to us demonstrates that the territory in question will be greatly benefited by the construction of an electric railroad through it, irrespective of the proposed electrification of the Erie. Convenience for travel in this midway territory will be furnished that the Erie even if electrified cannot furnish. While the applicant's line from Wayland to Elmira will parallel the Lackawanna and the Erie it is no more paralleling than that permitted by this Board in the case from Waverly to Corning. That it is proposed to electrify the Erie in this

territory in our opinion begs the question, and even though such electrification now existed we believe that public convenience and a necessity would much better be served in this territory by the applicant's line than by the Erie. We do not believe that the Erie steam railroad if electrified will be apt to give that frequent street car service that this applicant's railroad constructed for such direct object will give. On the steam railroad freight trains will still be run by steam and it is not at all clear that some passenger trains will not be run by steam, such operation interfering with the operation of electric cars. It may also be said that in our opinion the applicant's route is more advantageously situated to serve the existing public need for transportation than is the Erie railroad.

This Board has permitted the construction of an electric railroad from Rochester to Syracuse paralleling and in exactly the same territory served by the New York Central; it has permitted the construction of an electric railroad from Rochester to Lockport paralleling and in exactly the same territory served by the New York Central; it has permitted other similar paralleling.

While we believe that vested interests of existing steam railroads should be properly protected, we do not believe that it was ever the intention of the State under section 59 to protect such interests as against the needs of the people for a new line which we believe to have been demonstrated in this case.

This applicant company we are convinced intends in good faith if granted a certificate to build its railroad, and if built, as stated, it will serve a public convenience and a necessity from Rochester to Wayland which in our opinion is not at all served by the existing railroads, and from Wayland to Elmira will serve convenience and necessities which exist, irrespective of the proposed electrification of the Erie Railroad. From Corning to Elmira the need for its construction is not so clear, inasmuch as another electric railroad line is being constructed between these points, but inasmuch as this application in our opinion must be treated as a continuous route from Rochester to Elmira, the application should be granted as a whole.

We believe that the evidence demonstrates that public convenience and a necessity require the construction of this railroad and that our colleagues have erred in refusing it a certificate under section 59 of the Railroad Law.

GEORGE W. ALDRIDGE,
HENRY N. ROCKWELL.

At the request of the directors of this company this Board certified a copy of the maps and papers in this matter which were presented to the Appellate Division of the Supreme Court on appeal and said Court ordered this Board to issue the certificate. See opinion of said Court under next title. (Case No. 3690.)

XXX.

IN THE MATTER OF THE APPLICATION OF THE SCHENECTADY AND MARGARETVILLE RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 11, 1906.

On reading and filing the application of the Schenectady and Margaretville Railroad Company for a certificate under section 59 of the Railroad Law dated September 29, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings on said application in the city of Albany on October 18, November 8 and November 22, 1906, Edward J. Welch appearing for the applicant; Miles P. Frisbie appearing for the Business Men's Association of Schenectady; Everett Smith appearing for the Chamber of Commerce of Schenectady; C. P. Sanders appearing for the village of Scotia; Clyde H. Proper appearing for the town of Schoharie; F. A. Sullivan appearing for the Board of Supervisors of

Schoharie county; L. E. Carr appearing for The Delaware and Hudson Company and for the New York, Ontario and Western Railway Company; W. P. Rudd appearing for the New York Central and Hudson River Railroad Company and for the Schenectady Railway Company; George M. Palmer appearing for the Schoharie Valley Railway Company; Amos Van Etten appearing for the Ulster and Delaware Railroad Company; Frank Burton appearing for the Fonda, Johnstown and Gloversville Railroad Company; Frost, Daring & Warner appearing for the Albany and Schoharie Valley Railway Company; J. P. O'Brien appearing for the Boston and Maine Railroad; and after hearing evidence and arguments and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Schenectady and Margaretville Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3744.)

XXXI.

IN THE MATTER OF THE APPLICATION OF THE HANCOCK AND EAST BRANCH RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 11, 1906.

On reading and filing the application of the Hancock and East Branch Railroad Company for a certificate under section 59 of the Railroad Law dated September 29, 1906, the articles of association of said company and due proof of the publication thereof; and after public hearings in the city of Albany on October 18, November 8 and November 22, 1906, Edward J. Welch appearing for the applicant; L. E. Carr appearing for The Delaware and Hudson Company and for the New York, Ontario and Western Railway Company; Amos Van Etten appearing for the Ulster and Delaware Railroad Company; and after hearing evidence and arguments and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company, and that public convenience and a necessity require the construction of said applicant company's railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Hancock and East Branch Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3745.)

XXXII.

IN THE MATTER OF THE APPLICATION OF THE MALONE, FORT COVINGTON AND HOPKINS POINT RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 11, 1906.

On reading and filing the application of the Malone, Fort Covington and Hopkins Point Railway Company for a certificate under section 59 of the

Railroad Law, verified November 12, 1906, the articles of association of said company and due proof of the publication thereof; and after a public hearing on said application in the city of Albany on December 5, 1906, Badger & Cantwell appearing for the applicant; Moot, Sprague, Brownell & Marcy appearing for the Grand Trunk Railway; W. P. Rudd appearing for the New York Central and Hudson River Railroad Company; and after hearing evidence and arguments, and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant's company railroad, it is

Ordered, That said application be and the same is hereby granted and the Board of Railroad Commissioners hereby certifies, in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Malone, Fort Covington and Hopkins Point Railway Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association. (Case No. 3807.)

XXXIII.

IN THE MATTER OF THE APPLICATION OF THE BUFFALO, LAKE ERIE AND NIAGARA RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 17, 1906.

On reading and filing the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law, dated October 10, 1906, the articles of association of said company, and due proof of publication thereof; and after public hearings on said application in Buffalo on December 6, 1905, and on January 17, May 16, May 17, June 13, June 14, September 17, September 18, October 11, October 12, November 13, November 14, November 15, November 26, November 27, November 28, 1906, and in New York city on December 10, 1906, Bushnell & Metcalf appearing for the applicant; Pooley & Spratt appearing for the New York Central and Hudson River Railroad Company, in opposition; William B. Hoyt appearing for the Lake Shore and Michigan Southern Railway Company, in opposition; Joseph G. Dudley, Parker, Hatch & Sheehan and Frank S. Black appearing for the Buffalo Frontier Terminal Railroad Company, in opposition; Moot, Sprague, Brownell & Marcy appearing for the Erie Railroad Company, in opposition; Franklin D. Locke appearing for the Delaware, Lackawanna and Western Railroad Company, in opposition; Thomas R. Stone appearing for Moses H. Cherry, William R. Cherry and Mary Landal, in opposition; Simon Fleischmann appearing for George P. Sawyer, the Hazard Powder Company, the Niagara River Investment Company and Messrs. Barse and Amm, property owners, in opposition; John S. Rockwell appearing generally for the Buffalo, Rochester and Pittsburgh Railway Company, Frank Rumsey appearing for the Pennsylvania Railroad Company; and after hearing evidence and arguments and it appearing that the conditions of section 59 of the Railroad Law have been complied with by said applicant company and that public convenience and a necessity require the construction of said applicant company's railroad; it is

Ordered, That said application be and the same is hereby granted, and the Board of Railroad Commissioners hereby certifies in accordance with section 59 of the Railroad Law, that the conditions of said section have been complied with by the applicant company, the Buffalo, Lake Erie and Niagara Railroad Company, and that public convenience and a necessity require the construction of said applicant company's railroad as proposed in its said articles of association.

Commissioners Dunn, Dickey and Rockwell voted in favor of granting this certificate; Commissioners Baker and Aldridge voted against granting it.

Two writs of certiorari in this matter have been served on this Board. At the time of writing this report the return has not yet been made. See two following determinations. (Case No. 3432.)

XXXIV.

IN THE MATTER OF THE RE-APPLICATION OF THE BUFFALO FRONTIER TERMINAL RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. December 17, 1906.

Appearances: Joseph G. Dudley, Parker, Hatch & Sheehan and Frank E. Black for the applicant; Bushnell & Metcalf for the Buffalo, Lake Erie and Niagara Railroad Company; Moot, Sprague, Brownell & Marcy for the Erie Railroad Company; Rogers, Locke & Babcock for the Delaware, Lackawanna and Western Railroad Company; Lockwood, Hoyt & Greene for the Lake Shore and Michigan Southern Railway Company; John W. Fisher for the town of West Seneca and the town of Cheektowaga; O'Malley, Smith & O'Malley for Grattan & Jennings; John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company; Tracy C. Becker for the Niagara Transfer Railway Company; Frank Rumsey for the Pennsylvania Railroad Company; Pooley & Spratt for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Bissell, Carey & Cooke for the Lehigh Valley Railroad Company, the Lehigh Valley Railway Company and the Buffalo, Thousand Islands and Portland Railroad Company, in opposition.

On August 10, 1904, this Board refused, to the Buffalo Frontier Terminal Railroad Company (steam), a certificate, under section 59 of the Railroad Law, that public convenience and a necessity required the construction of its railroad. On August 11, 1905, one year (see section 59) having elapsed since the refusal of the certificate, the company re-applied to this Board for a certificate under said section. On this re-application public hearings were held in the city of Buffalo on October 3 and December 5, 1905, and on January 3, January 4, January 17, January 18, February 7, March 13, March 14, April 18, April 19 and May 16, 1906, and in New York city on March 28 and December 10, 1906. Also in Buffalo on November 28, 1906, it was agreed that certain evidence from the Buffalo, Lake Erie and Niagara Railroad Company's application, under section 59 of the Railroad Law, should be read into the Buffalo Frontier Terminal Railroad Company's case, under section 59 of the Railroad Law, the exact evidence to be determined thereafter.

This Board has on this date granted a certificate, under section 59 of the Railroad Law, to the Buffalo, Lake Erie and Niagara Railroad Company to build a similar steam railroad in the general territory in which the Buffalo Frontier Terminal Railroad Company proposed to build, and there is no public convenience and necessity to be served by another similar railroad in this territory. Therefore, this re-application of the Buffalo Frontier Terminal Railroad Company for a certificate under section 59 of the railroad law is denied and the certificate applied for is hereby refused.

Commissioners Dunn, Dickey and Rockwell voted against granting this Buffalo Frontier Terminal Railroad Company a certificate under section 59 of the Railroad Law; Commissioners Baker and Aldridge voted in favor of granting this Buffalo Frontier Terminal Railroad Company such a certificate.

At the request of the directors of this company, this board will certify a copy of the maps and papers in this matter, which it is assumed, will be presented to the Appellate Division of the Supreme Court, fourth department, see preceding and following determinations. See p. 190, 1st vol., 1904 report of this Board. (Case No. 3082.)

XXXV.

IN THE MATTER OF THE APPLICATION OF THE ESSEX COUNTY TRACTION COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 8, 1907.

This application was filed with this Board on November 17, 1906. A public hearing in the matter was held, at which the applicant company withdrew its application, and the case was closed. As we understood it the applicant company is to file a new application. (Case No. 3815.)

XXXVI.

IN THE MATTER OF THE APPLICATION OF THE BUFFALO, LAKE ERIE AND NIAGARA RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Determination. January 9, 1907.

On December 17, 1906, this Board granted to the Buffalo, Lake Erie and Niagara Railroad Company a certificate under section 59 of the Railroad Law. Through error this certificate does not state among the other appearances that Walter P. Cooke appeared for the Lehigh Valley Railroad Company and the Lehigh Valley Railway Company in opposition.

It is hereby ordered that the said certificate is amended of said date of December 17, 1906, so that the appearance of said Walter P. Cooke for the Lehigh Valley Railroad Company and the Lehigh Valley Railway Company shall be noted as among those appearing in opposition to the granting of said certificate.

See the two determinations preceding. (Case No. 3432.)

XXXVII.

IN THE MATTER OF THE APPLICATION OF THE BINGHAMTON AND SOUTHERN RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 9, 1907.

The certificate was issued. The Appellate Division, third department, upheld the certificate, as did the Court of Appeals. A minute of the Court of Appeals decision is printed in this volume under the next title. See p. 186, 1st vol., 1904 report of the Board. (Case No. 3028.)

XXXVIII.

IN THE MATTER OF THE APPLICATION OF THE NIAGARA TRANSFER RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 9, 1907.

The certificate was issued. The Appellate Division, third department, reversed the action of the Board, and an appeal to the Court of Appeals the order of the Appellate Division was affirmed. A minute of the Court of Appeals decision is printed in this volume under the next title. See p. 191, 1st vol., 1904 report of this Board. (Case No. 3114.)

XXXIX.

IN THE MATTER OF THE APPLICATION OF THE BUFFALO, NIAGARA FALLS AND ROCHESTER RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 9, 1907.

See p. 142, 1st vol., 1905 report of this Board. A writ of certiorari in this matter on the relation of the New York Central and Hudson River Railroad Company, was served on this Board, but the return has not yet been made. See decisions of courts on motion to quash the writ in volume under the next title. (Case No. 2341.)

Decisions of Courts as to Questions Arising Under Section 59 of the Railroad Law.

I.

COURT OF APPEALS.

THE PEOPLE OF THE STATE OF NEW YORK EX REL. ERIE RAILROAD COMPANY, Appellant, v. THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK ET AL., Respondents.

(101 App. Div. 251, affirmed.)

(Argued February 27, 1906; decided March 13, 1906.)

APPEAL from an order of the Appellate Division of the Supreme Court in the third judicial department, entered January 19, 1905, which confirmed a determination of the Board of Railroad Commissioners granting to the Binghamton and Southern Railroad Company a certificate of public convenience and necessity pursuant to the provisions of section 59 of the Railroad Law.

Order affirmed, with costs; no opinion.

Concur: CULLEN, Ch. J., O'BRIEN, HAIGHT, VANN, WERNER, WILLARD BARTLETT and HISCOCK, JJ.

II.

COURT OF APPEALS.

THE PEOPLE OF THE STATE OF NEW YORK EX REL. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY ET AL., Respondents, v. THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK ET AL., Appellants.

THE PEOPLE OF THE STATE OF NEW YORK EX REL. JAMES AMM ET AL., Respondents, v. THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK ET AL., Appellants.

(103 App. Div. 123, affirmed.)

(Argued March 1, 1906; decided March 20, 1906.)

APPEAL from an order of the Appellate Division of the Supreme Court in the third judicial department, made March 8, 1905, which reversed a determination of the State Board of Railroad Commissioners granting a certificate of convenience and necessity under section 59 of the Railroad Law.

Order affirmed, with costs; no opinion.

Concur: CULLEN, Ch. J., O'BRIEN, HAIGHT, VANN, WERNER, WILLARD BARTLETT and HISCOCK, JJ.

III.

SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT.

THE PEOPLE OF THE STATE OF NEW YORK *EX REL.* TICONDEROGA UNION TERMINAL RAILROAD COMPANY *v.* THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK AND GEORGE W. DUNN, FRANK M. BAKER, JOSEPH M. DICKEY, GEORGE W. ALDRIDGE AND HENRY N. ROCKWELL, RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK AND BEING MEMBERS OF SAID BOARD.

(118 App. Div. mem. 8.)

The above entitled matter having been brought before this court by a writ of certiorari issued January 8, 1906, to review a determination of the Board of Railroad Commissioners of the State of New York, refusing to grant to the relator a certificate of public convenience and necessity under section 59 of the Railroad Law, and a motion having been made therein by the counsel for the defendant for a dismissal of such writ on the ground that such determination of the Board of Railroad Commissioners could not be reviewed by a writ of certiorari; after hearing Lewis E. Carr, counsel for the defendants in support of such motion, and John B. Holmes, counsel for the relator, in opposition thereto, and due deliberation having been had thereon, it is on motion of Lewis E. Carr, counsel for the defendants,

Ordered, That the writ of certiorari heretofore issued in the above-entitled proceedings be and the same hereby is dismissed, without costs.

See case next following, the directors of the company having obtained a certified copy of maps and papers from the Board of Railroad Commissioners under section 59 of the Railroad Law, and having presented said maps and papers to the Appellate Division.

IV.

SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT.

IN THE MATTER OF THE APPLICATION OF THE DIRECTORS OF THE TICONDEROGA UNION TERMINAL RAILROAD COMPANY FOR A CERTIFIED COPY OF MAPS AND PAPERS UNDER SECTION 59 OF THE RAILROAD LAW.

(Decided November Term, 1906.)

APPEAL by the directors of the Ticonderoga Union Terminal Railroad Company from a determination of the State Board of Railroad Commissioners refusing to them a certificate of convenience and necessity for the construction of a proposed road from Addison Junction, upon the line of the New York and Canada Railroad Company, now leased by The Delaware and Hudson Railroad Company, westwardly into and through the village of Ticonderoga.

SMITH, J.:

Upon the record the petitioner made a strong case for a certificate of necessity and convenience of a trolley road upon the route finally asked for. It is a fraction only over four miles in length. Its construction would cost a little over \$80,000. It was to be financed by citizens of Ticonderoga who were substantially unanimous in their testimony that it was desirable and necessary. The conclusions of the witnesses seem to have been sustained by the facts sworn to in detail. Moreover, one of the Commissioners himself, in the course of the proceeding, made a statement that the necessity of the road was conceded and this statement was unchallenged by the astute counsel for the Delaware and Hudson Railroad, which opposed the petitioner's application. Under the circumstances of this case we are of opinion that the certificate should not have been refused because of a doubt in the minds of the Commissioners whether the road would be a paying one.

But the certificate finally asked for by the petitioners was one which the Commission was without power to grant. In *People ex rel. N. Y. C. & H. R. R. Co. v. The Board of Railroad Commissioners of the State of New York et al.*, 92 App. Div. 126, this court held that under section 59 of the Railroad Law the Commission was limited to a certificate of the necessity of the road proposed in the articles of association of the petitioning road. The route for which this applicant finally asked varied materially from that proposed in the articles of association, especially in its eastern terminus. Without power to grant the certificate on condition that the petitioner changed the route from that proposed in the articles of association to that finally asked for we cannot say that the Commission improperly refused to grant a certificate of convenience and necessity of the route originally proposed.

The determination, therefore, must be confirmed, with costs.

All concur.

This case was not appealed to the Court of Appeals.

V.

SUPREME COURT, SPECIAL TERM — ALBANY COUNTY.

THE PEOPLE OF THE STATE OF NEW YORK ON THE RELATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY v. THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK, GEORGE W. DUNN, FRANK M. BAKER, JOSEPH M. DICKEY AND GEORGE W. ALDRIDGE, BEING THE MEMBERS THEREOF: THE BUFFALO, NIAGARA FALLS AND ROCHESTER RAILWAY COMPANY AND JOHN A. BARHITE, AS RECEIVER OF THE BUFFALO, NIAGARA FALLS AND ROCHESTER RAILWAY COMPANY.

(Memorandum.)

MOTION made by John A. Barhite, receiver of the Buffalo, Niagara Falls and Rochester Railway Company for an order quashing the writ of certiorari, heretofore issued herein, directed to the Board of Railroad Commissioners of the State of New York.

FITTS, J.:

The order that the writ issue was granted at a Special Term of the Supreme Court held at the court house in the city of Rochester on the 21st day of November, 1905. The certiorari proceedings were instituted to review the proceedings, determination, and decision of the Board of Railroad Commissioners of the State of New York in granting a certificate under section 59 of the Railroad Law to the Buffalo, Niagara Falls and Rochester Railway Company.

The grounds upon which the moving party asks that the writ be quashed were set forth in the notice of motion as follows:

First. That the court had no jurisdiction to grant the order directing said writ and to allow said writ.

Second. That James L. Hotchkiss, clerk, had no authority in law or power to grant or issue said writ.

Third. That the relator, New York Central and Hudson River Railroad Company, is not a person aggrieved by the determination of the State Board of Railroad Commissioners herein.

Fourth. That the writ was not granted and served within four calendar months after the determination of the Board of Railroad Commissioners became final and binding upon the relator.

Fifth. That the Supreme Court of Monroe county did not have power and jurisdiction to issue or to allow the said writ.

Sixth. That the papers upon which the writ was granted were insufficient in law for the purpose thereof, and in the event of the court refusing to vacate and set aside the writ of certiorari the moving party asks for an order limiting the return to be made by the State Board of Railroad Commissioners to said writ of certiorari, to the testimony relating to the question of public convenience and a necessity for the construction of the said Buffalo, Niagara Falls and Rochester Railway Company pursuant to the provisions of section 59 of the Railroad Law, on the grounds:

First. That it was not within the jurisdiction of said Board of Railroad Commissioners to inquire into and take testimony upon the question of the legality of the incorporation of the defendant.

Second. On the ground that the legality of the defendant, Buffalo, Niagara Falls and Rochester Railway Company, was duly adjudicated in an action of the Supreme Court on July 15, 1905.

That said writ of certiorari was issued on the 21st day of November, 1905, and is attested by the county clerk of the county of Monroe and is made returnable at the office of the clerk of the county of Albany.

The order directing the issuing of the writ, the petition upon which the same was founded, and the writ were filed in the office of the clerk of the county of Albany on the 22d day of November, 1905, and said order entered therein on that day.

The application of the Buffalo, Niagara Falls and Rochester Railway Company for a certificate under section 59 of the Railroad Law was made to the State Board of Railroad Commissioners some time prior to the 15th day of July, 1901; many hearings were had upon the order, and a large amount of testimony was taken and numerous papers were filed with the Board both on behalf of the applicant and of the opposition.

In opposition to the granting of this application the relator, the New York Central and Hudson River Railroad Company, appeared by Mr. Albert H. Harriß, its attorney; the Erie by Messrs. H. L. Sprague and H. A. Taylor, its attorneys; the Buffalo and Lockport Railway Company, and the Buffalo, Niagara Falls and Rochester Electric Railway Company, by Morris Cohen, Jr., their attorney; the Lehigh Valley Railroad by Walter P. Cook, its attorney.

On the 15th day of July, 1901, the State Board of Railroad Commissioners made the following certificate with reference to this application under section 59 of the Railroad Law:

"The Board of Railroad Commissioners hereby certifies, under the provisions of section 59 of the Railroad Law, that the directors of the Buffalo, Niagara Falls and Rochester Railway Company, have caused a copy of the articles of association of said company to be published in one or more newspapers in each county in which the road is proposed to be located, at least once a week for three successive weeks,

and have filed satisfactory proof thereof with this Board, and have made this application within six months after the completion of the said publication; and the Board of Railroad Commissioners hereby certifies that public convenience and a necessity require the construction of the railroad of the Buffalo, Niagara Falls and Rochester Railway Company as proposed in the articles of association of said company."

The certificate of said Board of Railroad Commissioners was never issued to the said applicant or any one on his behalf until the 14th day of August, 1906, when it was issued to John A. Barhite, as receiver of said company, and said certificate was on that day filed in the office of the Secretary of State as prescribed by section 59 of the Railroad Law.

That the following extract from the minutes of the meeting of the Board of Railroad Commissioners of the State of New York, held on the 14th day of August, 1905, indicate the reason why the certificate was not issued prior to that time.

The following is a copy of the minutes of the meeting of said Board with reference to the same:

"The certificate under section 59 of the Railroad Law, which was granted to the Buffalo, Niagara Falls and Rochester Railway Company July 15, 1901, but which was not issued owing to the company having failed to pay its organization tax, was to-day issued and delivered to John A. Barhite, receiver of the company, there having been filed with the Board a receipt from the State Comptroller and State Treasurer showing that the organization tax of the company had been paid. Accompanying the certificate was a memorandum by the Board in this matter. A copy of this certificate and a copy of this memorandum were sent to the attorneys who appeared in this matter.

"Mr. Barhite presented to the Board an order of the court in this matter in relation to the certificate being delivered to him as receiver, which paper is filed with the papers in this case."

The grounds upon which the moving party ask that the writ issue herein be quashed will be considered in the order in which they are set forth in his notice of motion.

The court had jurisdiction to grant the order directing the issuing of the writ and to allow the same. (Code Civ. Proc., §§ 2120-2148; *People ex rel. N. Y. C. & H. R. R. Co. v. Priest*, 169 N. Y. 432; *People ex rel. The Depew & South Western R. R. Co. v. The Board of Railroad Commissioners of the State of New York*, et al., 4 App. Div. 259; *People ex rel. Linton v. The Brooklyn Heights R. R. Co.*, 172 N. Y. 90; *People ex rel. Steward et al. v. The Board of Railroad Commissioners of the State of New York* et al., 180 N. Y. 202.)

In *People ex rel. Depew & South Western Railroad Co. v. Commissioners and Others*, above cited, it was held: "There is no provision made in the law for an appeal from, or a review of, the proceedings of the Railroad Commissioners in granting a certificate of public convenience and necessity, and no other proceeding being authorized by law to review their proceedings in that respect, a proper case is presented to do so by certiorari.

The order directing the issuance of the writ was properly granted at a Special Term of the Supreme Court held at the city of Rochester in the county of Monroe, and the county clerk of that county being the clerk of the court had authority and power to attest and issue said writ. (*The People ex rel. The N. Y. C. & H. R. R. Co. v. Priest et al.*, 169 N. Y. 432.)

In that case Judge Cullen, writing the opinion for the court in referring to the Supreme Court of this State and the jurisdiction of its Justices, used this language: "There is but one Supreme Court in the State and the jurisdiction of its Justices is coextensive. A justice of the Supreme Court or the Special Term may refuse to entertain an application made in other than the proper district, but if the application is entertained and the writ allowed it is as effectual as if granted in the district in which the property was taxed."

The contention of the moving party that the order of the Special Term allowing the writ is invalid, as no notice for the application of the same was given as required by section 780 of the Code of Civil Procedure, is without merit. It was not necessary that the order should recite the fact that the court, upon the application being made in the exercise of its discretion, dispensed with the notice.

Section 2128 of the Code of Civil Procedure provides as follows:

"Section 2128. When notice necessary; service thereof. Until provision is made, in the general rules of practice for requiring or dispensing with notice of the application for the writ, the court to which the application for the writ is made may, in its discretion, require or dispense with notice." The court in entertaining the application and granting the order that the writ issue necessarily dispensed with the notice of its application. When the application was made the court acquired jurisdiction, and when it granted the order it dispensed with the notice. It was not necessary to recite in the order that the notice had been dispensed with.

The contention of the moving party that the relator, the New York Central and Hudson River Railroad Company, is not a person aggrieved by the determination of the said Board of Railroad Commissioners herein cannot be sustained.

The petition for the writ of certiorari shows that the relator owns, controls, and operates several lines of railroad almost parallel to and in the immediate vicinity of the proposed line of the defendant, The Buffalo, Niagara Falls and Rochester Railway Company, and it is the contention of the said company that if the said line be built it would interfere materially with its interest. The Board of Railroad Commissioners permitted the relator to appear and contest the application, and thereby recognized the fact that it was interested in the building of the defendant's line. It is the contention of the relator that by the building of the

railroad in question its property would be made less valuable by reduction in its returns and business, and, therefore, it is an aggrieved party under the statute. (*People ex rel. N. Y. C. & H. R. R. Co. v. Board of Railroad Commissioners of the State of New York et al.*, 81 App. Div. 237.)

In that case the court laid down the rule as follows: "If the relator had already built its road; if it was already serving the public with such a road, it might fairly ask that another be not permitted on the ground that public necessity did not require it; then it might urge upon the board that its road should not be paralleled and its property injured by unnecessary competition." To the same effect, the *Matter of Kings, Queens & Suffolk R. R. Co.*, 6 App. Div. 241.

At page 245 the court said: "The evidence satisfactorily established that the proposed road for all practical purposes paralleled the roads of the remonstrants and would have a tendency to destroy and impair vested property rights without any material benefit resulting therefrom. This condition made a case within the spirit of the Railroad Law, and justified the conclusion which the Commissioners reached."

Inasmuch as it was the duty of the Board of Railroad Commissioners in determining the question whether public convenience and a necessity required the issuing of the certificate to take into consideration these questions, and inasmuch as its determination affects materially the interests and rights of the relator as the owner or lessee of parallel lines operated by it, it is clearly in my judgment a party aggrieved within the meaning of the statute.

The writ of certiorari was granted and served within the period of four calendar months after the determination of the Board of Railroad Commissioners became final and binding upon the relator.

The certificate dated July 15, 1901, was withheld by the Board of Railroad Commissioners and was never issued to the defendant, Buffalo, Niagara Falls and Rochester Railway Company or any one on its behalf until it was issued to Mr. John A. Barhite, as receiver of that company, on August 14, 1905.

The certificate was not final and binding upon the relator until issued, and the company could only then proceed to build its road by virtue of its authority. The certificate was not filed in the office of the Secretary of State as provided by section 59 of the Railroad Law until the 14th day of August, 1905. Until issued, the company could not proceed to build its road. It was not issued because the company had failed to pay the incorporation tax. Upon filing with the Board of Railroad Commissioners the receipt for the payment of that tax, the certificate was issued to the receiver and filed in the office of the Secretary of State. The period of time within which an application could be made for the issuing of a writ of certiorari to review the proceedings of the Board of Railroad Commissioners in reference to the issuing of the certificate under section 59 of the Railroad Act began to run from the time of the issuing and filing of that certificate.

Until the incorporation tax was paid the applicant did not possess and could not exercise any corporate franchise or powers.

Section 180, chapter 908, Laws of 1896, "No stock corporation shall have or exercise any corporate franchise or powers or carry on business in this State until such tax shall have been paid."

Section 59 above referred to provides that no railroad corporation shall exercise the powers conferred upon such corporation until certain things have been done, including the publication of its articles of incorporation and the obtaining of a certificate of public convenience and necessity requiring the construction of the proposed road.

The applicant had no power and could not exercise any until the certificate was issued and its possession after the tax had been paid.

The determination of the Board of Railroad Commissioners was not binding and final upon the relator until the issuing of the certificate under which it could exercise its powers.

I have, therefore, reached the conclusion that the motion made on behalf of the receiver of the Buffalo, Niagara Falls & Rochester Railway Company to quash the writ of certiorari heretofore issued herein to review the determination of the Board of Railroad Commissioners in issuing its certificate of public convenience and necessity under section 59 of the Railroad Act should be denied.

The moving party has also asked in his notice of motion for an order of this court limiting the return to be made by the State Board of Railroad Commissioners to said writ of certiorari to the testimony relating to the question of public convenience and a necessity for the construction of the said Buffalo, Niagara Falls and Rochester Railway Company on the ground that the Railroad Commissioners had no right to inquire into and take testimony upon the question of the legality of the incorporation of the defendant, and on the ground that the legality of the defendant, Buffalo, Niagara Falls & Rochester Railway Company was adjudicated in an action in the Supreme Court on July 15, 1905.

In *People ex rel. Erie R. R. Co. v. The Board of Railroad Commissioners and Others*, reported in 105 App. Div. 273, the court, Mr. Justice Chase writing the opinion, laid down the rule as follows:

"On an application to the Board of Railroad Commissioners by an alleged railroad corporation for a certificate of public convenience and a necessity under section 59 of the Railroad Law (Laws of 1890, chap. 565, added by Laws of 1892, chap. 876, and amended by Laws of 1895, chap. 545), it is the duty of the Board of Railroad Commissioners to make inquiry into all prior proceedings of the alleged railroad company and ascertain and determine whether such alleged railroad company is of the character which the law requires, and to which it contemplated that a certificate should be given." (*People ex rel. Long Island R. R. Co. v. Board of Railroad Commissioners*, 75 App. Div. 106; *Matter of Kings, Queens & Suffolk R. R. Co.*, 6 App. Div. 241.)

300 DECISIONS OF COURTS ARISING UNDER SECTION 59.

In re Wood, 99 App. Div. 334; affirmed, 181 N. Y. 93. the court said: "It, however, becomes appropriate for us to consider whether there was a compliance with the statute in respect to the payment of 10 per cent. of the capital stock in good faith and in cash."

It being then the duty of the court to inquire into and take testimony with reference to the legality of the incorporation of the defendant, that portion of the motion of the receiver to eliminate from the return all evidence taken before the Board of Railroad Commissioners, excepting that pertinent to the inquiry relative to public convenience and a necessity for the construction of the road, should be denied.

An order can, therefore, be entered denying the motion, with ten (\$10) dollars costs.

See determinations of the Appellate Division and Court of Appeals next following.

VI.

SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT.

THE PEOPLE OF THE STATE OF NEW YORK EX REL. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent, v. THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK AND OTHERS, Defendants, IMPEADED WITH JOHN A. BARNHART, AS RECEIVER OF THE BUFFALO, NIAGARA FALLS AND ROCHESTER RAILWAY COMPANY, Appellant.

(113 App. Div. mem. 9.)

Order affirmed, with ten dollars costs and disbursements.

No opinion. All concurred.

See immediately preceding determination of the Supreme Court, Special Term, Albany county, and next following determination of the Court of Appeals, the matter having been allowed to be appealed to that court.

VII.

COURT OF APPEALS.

THE PEOPLE OF THE STATE OF NEW YORK EX REL. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent, v. THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF NEW YORK ET AL., Appellants.

(113 App. Div. 895, appeal dismissed.)

(187 N. Y. mem. '12.)

APPEAL from an order of the Appellate Division of the Supreme Court in the third judicial department, entered June 15, 1906, which affirmed an order of Special Term denying a motion to quash a writ of certiorari.

Appeal dismissed, with costs; no opinion.

Concur: CULLEN, Ch. J., GRAY, EDWARD T. BARTLETT, VANN, WERNER, HISCOCK and CHASE, JJ.

The return to this writ of certiorari has not yet been made. See the two immediately preceding determinations of courts.

VIII.

SUPREME COURT, APPELLATE DIVISION, FOURTH DEPARTMENT.

IN THE MATTER OF THE APPLICATION OF THE DIRECTORS OF THE ROCHESTER, CORNING, ELMIRA TRACTION COMPANY FOR AN ORDER DIRECTING THE BOARD OF RAILROAD COMMISSIONERS TO ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE AND A NECESSITY UNDER SECTION 59 OF THE RAILROAD LAW.

(Argued at January Term, 1907; decided at March Term, 1907.)

This is an application to this court by the directors of the Rochester, Corning, Elmira Traction Company for an order directing the Board of Railroad Commissioners to issue to the applicant a certificate of public convenience

and a necessity pursuant to section 59 of the Railroad Law, said Board having refused to grant such certificate upon application made to it.

McLENNAN, P. J.:

The Rochester, Corning, Elmira Traction Company was incorporated in July, 1906, for the purpose of constructing and maintaining and operating by electricity a street surface railroad from the city of Rochester in the county of Monroe to the city of Elmira in the county of Chemung, a distance of about 120 miles, passing through a portion of the county of Monroe, also through Livingston and Steuben counties and a portion of Chemung county. Thereafter application was made to the Board of Railroad Commissioners for a certificate of public convenience and a necessity, and after numerous hearings at which a large amount of testimony was taken, and on December 5, 1906, the Board by a majority vote, two members dissenting, refused to grant such certificate. Thereafter all papers (including a copy of all evidence taken), maps and findings of the Board were duly certified. Thereafter and on the 9th day of January, 1907, by order to show cause returnable on the 28th day of January, 1907, the matter was brought into this court to determine upon the record thus made whether or not a certificate of public convenience and a necessity should issue to the applicant pursuant to section 59 of the Railroad Law. We think the practice adopted to bring the matter to this court was correct. The counsel who appear for the several corporations in opposition to the application insist that this court should regard the application as in the nature of a review of the decision of a subordinate tribunal and not as an original application and, therefore, that the burden rests upon the petitioners to show affirmatively that the Commissioners erred in their determination. We are inclined to follow the rule laid down in *Matter of Wood*, 99 A. D. 334 (affirmed, 181 N. Y. 93), and to hold that the matter comes before this court as an original application to be determined upon the record made before the Board of Railroad Commissioners if the parties so elect, or upon such further evidence and facts as the court might deem essential in order to enable it to make a proper determination in the premises. However, we deem that question of but little importance in this case, because the entire evidence taken before the Board is before us without objection, and no request was made by either party to submit further proof for our consideration. So that the matter should be decided solely upon the merits as disclosed by all the proceedings had before the Commissioners, including the evidence taken, the decision rendered by them, and the reasons given therefor.

The application for a certificate was denied by the Board of Railroad Commissioners upon the ground, as appears by the opinion of the majority of the Board, that the people residing in the territory through which it is proposed to construct and operate the applicant's railroad are now reasonably well supplied with transportation facilities by means of the operation of the steam railroads and other electric roads which traverse practically the same territory, each of which is represented by counsel in opposition to this application; and especially because such railroad companies have already undertaken or are about to undertake to furnish additional facilities by electrifying some of such lines and otherwise. It would not be useful to describe in detail the precise location of the proposed railroad, or just the relation it would sustain as to location to the other roads mentioned. Suffice it to say that it practically parallels the Erie Railroad or some of its branches for substantially its entire length and the roads of the other companies appearing in opposition, to a considerable extent, and it is established beyond contradiction that such proposed new road if constructed and operated would injuriously affect such opposing companies. That being so, if the people residing in the territory in question are now reasonably well accommodated as to transportation facilities and if such is the fact established by a fair interpretation of the evidence, the Board properly refused a certificate.

In determining what conclusion this court should reach in the premises, we are of the opinion that great weight should be given to the decision reached by the Board. (*People ex rel. N. Y., N. H. & H. R. R. Co. vs. Commissioners*,

81 A. D. 241.) It, however, becomes the duty of this court to examine the evidence and to determine whether public convenience and a necessity require the construction and operation of the proposed road. While the fact that the territory is now occupied by other railroads should properly be considered, it should in no sense be regarded as controlling. Practically every suburban electric railroad authorized in this State paralleled an existing steam railroad. The larger percentage of the population settled upon the lines of such railroads and at almost every station a hamlet, village or city had grown up, and yet that has not been regarded as a valid objection to the construction of a street surface railroad along such route, through such hamlets, villages and cities. Probably no section of our country is better supplied with steam railroad facilities than is Central New York by the New York Central Railroad from Albany to Buffalo. Yet trolley lines have been authorized and are nearly completed which will furnish a continuous line between said points. So practically all the branches of the New York Central system have been paralleled by trolley lines.

In such cases the question was not whether the through transportation facilities between termini or even between the larger cities were adequate, but whether the people living along the line of such steam railroad and between its stations required additional facilities. Indeed, between points a long distance apart the trolley roads do not compete with the steam roads. The passengers and freight which the former carry are as a rule carried to the stations of the latter. In all essential respects the two serve separate purposes, each equally necessary to the convenience of the public. This policy has been adopted by the Board of Railroad Commissioners so uniformly that it may be regarded as the settled policy of the State, to wit: to permit steam railroads to be paralleled by trolley roads, however ample the facilities furnished for travel by such steam roads between terminal points or between principal stations, and so notwithstanding such trolley road may reduce the earnings of the steam road. The primary purpose of a trolley road is to convey people directly from their homes to the nearby villages or cities or vice versa.

In the case at bar the situation is essentially no different than as above indicated. The facilities for through passenger and freight transportation between Rochester and Elmira and between Elmira and Corning are reasonably adequate and it would not be claimed that another through line is necessary; but the evidence demonstrates that the facilities for local traffic are wholly inadequate upon the entire route, except between Corning and Elmira; that trains are run infrequently; that the stations are comparatively long distances apart and that a considerable portion of the territory is not accommodated by the existing railroads, which will be no more closely paralleled by the proposed railroad than such railroads usually have been by such construction in other parts of the State. It is said that along a considerable part of the route the country is sparsely settled and that a sufficient patronage cannot reasonably be expected to justify the expenditure necessary to construct and operate the proposed road. Experience has demonstrated that additional transportation facilities have greatly increased the use of such facilities; and the applicant directors apparently in good faith assert their willingness and ability to obtain the necessary capital to construct and equip the road. The fact that the Erie Railroad Company proposes to electrify its road does not materially alter the proposition. That does not mean that it is to be converted into a street surface railroad, but rather that the motive power for the transportation of passengers will be changed from steam to electricity. Regular trains, passenger and freight, will be run then as now, must be run on schedule time and will only stop to take on or let off passengers at the regular stations. The passenger trains may run more frequently, but with all the changes suggested the people along the route will not have such facilities as is understood will be afforded by a street surface railroad. The evidence shows that the population to whom the line of the proposed road would be reasonably accessible averages between four and five hundred per mile, not including the population of either Rochester or Elmira, and the evidence very conclusively shows that such population have at the present

time very inadequate transportation facilities along the greater part of such route. That fact becomes apparent upon examination of the time-tables of the existing roads. As before suggested, it does not necessarily follow that the present facilities for through traffic between the termini are not reasonably adequate; but it can hardly be contended that the local demand has been reasonably met. And it is established beyond doubt that with additional accommodations the demand would be largely increased. In addition it is true that considerable portions of the territory through which it is proposed to operate the road in question have practically no railroad facilities. We think the evidence fails to show that such conditions will be materially changed even after all the improvements which are under way or are contemplated by the opposing companies have been made. When all is completed practically none of the facilities offered by a street surface railroad, if properly operated, would be afforded to the inhabitants of the territory in question.

Whether or not the proposed road is a public convenience and a necessity is and must be a matter of opinion. Absolutely accurate demonstration is impossible. So that after all we must look for its solution in the opinion of witnesses. A very large number of people residing in close proximity to the route of the proposed railroad and who are apparently familiar with the locality, the existing conditions and the needs of the inhabitants, state unqualifiedly under oath that in their opinion the construction and operation of the proposed road is a public convenience and a necessity. Such opinions are fortified by reasons which appeal to us as being forceful, viz: the infrequency of trains upon the steam roads, the long distances which it is necessary to travel to reach the stations on such roads, and that with increased facilities the travel will increase. No witness residing along the proposed route between Rochester and Big Flats, a distance of 104 miles, was called who expressed a contrary opinion. Indeed, it may almost be said that the people residing in the territory affected are practically unanimous in the opinion that the road is a public convenience and a necessity. Certain experts called by the opposing railroads, men apparently of the highest character and of large experience, testify that in their opinion said road would not be a public convenience and a necessity, and they fully state their reasons for such conclusion. An expert called by the applicant expressed the contrary view.

We have examined all the evidence with very great care and we are forced to the conclusion that the weight of it is largely in favor of the applicant's contention, and that a certificate of public convenience and a necessity should be granted. We think that any other result would be at variance with the policy long adopted by this State, as evidenced by a long line of decisions made by the Board of Railroad Commissioners which have been approved by the courts, several of which are referred to in the dissenting opinion of two members of the Board, which is made a part of the record in this case. From Albany to Buffalo street surface railroad companies have been authorized to construct their roads within sight of the railroad of the New York Central for practically the entire distance, and so although upon such road passenger trains are run in each direction hourly or oftener. It was not considered an objection that such new road would reduce the revenue of the old, or that it had ample facilities to accommodate a much larger traffic. We fail to see how a distinction can properly be made as between such cases and the one at bar.

We more readily reach the conclusion above indicated because of the reasons set forth in the dissenting opinion of the Commissioners. Each of those dissenting had the same technical knowledge, was at least equally familiar with the conditions and with the needs of the people residing in the territory affected, with either of those who joined in the opinion filed by the majority of the Board.

Upon the whole evidence and after giving full consideration to the many suggestions of able counsel, we conclude that the order applied for, directing the Board of Railroad Commissioners to issue a certificate of public convenience and a necessity, should be granted, but without costs.

All concur.

This case has been appealed to the Court of Appeals.

Change of Name.

L

SUPREME COURT, STATE OF NEW YORK,
COUNTY OF ORLEANS.

IN THE MATTER OF THE APPLICATION OF THE UNION TRACTION COMPANY FOR
AUTHORITY TO CHANGE ITS NAME TO THE BATAVIA, MEDINA & ONTARIO
RAILWAY COMPANY.

To the Supreme Court:

The petition by the "Union Traction Company" for leave to change its name and to assume the corporate name "Batavia, Medina & Ontario Railway Company," a verified copy of which petition is hereto annexed, is hereby approved by the Board of Railroad Commissioners, and the Journal newspaper published at Medina in the county of Orleans, said county being the county where said corporation has its business office, is designated as the newspaper (in addition to the State paper) in which notice of the annexed application for a change of name of said corporation shall be published once a week for six successive weeks in accordance with the provisions of section 2413 of the Code of Civil Procedure.

Dated at Albany, January 23, 1906.

JOHN S. KENNEDY,

Secretary Board of Railroad Commissioners.

It is not deemed necessary to print here the papers referred to in the above approval as "annexed." A certified copy of the order of the court authorizing the change of name of the Company to "Batavia, Medina & Ontario Railway Company" and proof of publication of the order have been filed in this office. (Case No. 3468.)

Cessation of Operation During Winter.

IN THE MATTER OF THE APPLICATION OF THE GLENFIELD AND WESTERN RAILROAD COMPANY, UNDER SECTION 55 OF THE RAILROAD LAW FOR PERMISSION TO CEASE THE OPERATION OF ITS RAILROAD FROM JANUARY 15, 1906, TO APRIL 15, 1906.

Determination. December 19, 1905.

This application, under section 55 of the Railroad Law, by the Glenfield and Western Railroad Company, whose railroad extends from a point on the Utica and Black River Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) known as Glenfield to near a point called Monteola and is principally used for the transportation of lumber, was filed with this Board on December 18, 1905. The company asks permission to cease the operation of its railroad from January 15, 1906, to April 15, 1906. From a report of an inspector of this Board in a similar application made in 1904, it appears that this railroad is constructed through a territory where the snow is very deep; that very nearly all the business done by the railroad is done for lumber companies and that few passengers excepting the employees of the lumber companies and their families are carried.

Under these circumstances, this Board last year granted an application that the company might cease operating its railroad during a time specified in the order, and the Board believes that it is justified in granting this application, not, however, for the entire period applied for but for a period which will enable the posting and publication required by said section to be made prior to suspension. It is, therefore,

ORDERED, under section 55 of the Railroad Law, that permission be and it is hereby given to the Glenfield and Western Railroad Company to cease the operation of its railroad from January 29, 1906, to April 15, 1906.

See p. 155, 1st vol., 1905 report of this Board. (Case No. 3469.)

Application for Approval of Cooking Ranges in Cars.

I.

STATE OF NEW YORK,
BOARD OF RAILROAD COMMISSIONERS.

ALBANY, Jan. 26, 1906.

W. H. MILLER, Esq., *Deputy Quartermaster General, U. S. A., Depot Quartermaster, Army Building, Whitehall Street, New York City.*

DEAR SIR:—Your letter of the 25th inst., asking this Board to consent, under section 51 of the Railroad Law of this State (copy inclosed), to the use of stoves for cooking purposes in baggage cars in train or trains in this State on the New York Central and Hudson River Railroad transporting the Third Battalion, 8th Infantry, U. S. A., from Fort Niagara, N. Y., to San Francisco, Cal., has been received. This Board hereby consents, under section 51 of the Railroad Law, to said use of said stoves in said baggage cars.

By the Board,

(Signed) J. S. KENNEDY,
Secretary.

STATE OF NEW YORK,
BOARD OF RAILROAD COMMISSIONERS.

ALBANY, Jan. 26, 1906.

J. P. BRADFIELD, Esq., *Gen. Supt., N. Y. C. & H. R. R. Co., Grand Central Station, New York City.*

DEAR SIR:—Inclosed herewith you will find a duplicate original of a letter this day sent to W. H. Miller, Deputy Quartermaster General, U. S. A., Depot Quartermaster, as to use of stoves for cooking purposes in baggage cars in train or trains on the New York Central and Hudson River Railroad transporting the Third Battalion, 8th Infantry, U. S. A., from Fort Niagara, N. Y., to San Francisco, Cal.

(Signed) Very truly yours,
J. S. KENNEDY,
Secretary.

(Case No. 3495.)

Lease of Railroad.

1.

IN THE MATTER OF THE APPLICATION OF THE LONG ISLAND RAILROAD COMPANY, THE NEW YORK, BROOKLYN AND MANHATTAN BEACH RAILWAY COMPANY AND THE CANARSIE RAILROAD COMPANY UNDER SECTION 80 OF THE RAILROAD LAW.

Determination. August 1, 1906.

This application by The Long Island Railroad Company, The New York, Brooklyn and Manhattan Beach Railway Company and the Canarsie Railroad Company under section 80 of the Railroad Law, was filed with this Board on June 23, 1906. It asks the consent of this Board to a contract for a use of a portion of the respective rights of way of the applicants, one by the other, which contract contemplates the following: The use by The Long Island Railroad Company of three and one-half feet of the right of way of the Canarsie Railroad Company for the operation of trains of the Long Island Railroad Company; the construction upon a concrete embankment (constructed to sustain the sides of a depressed right of way) of elevated columns and an elevated structure upon which the trains of the Canarsie Railroad Company can be operated from New Lots road to a point about 200 feet north of Pitkin avenue, Brooklyn, from which point the elevated structure turns to the south across property owned by the Canarsie Railroad Company to an intersection with the elevated railroad structure of the Brooklyn Union Elevated Railroad Company, the structure and cars of the Canarsie Railroad Company to overhang the right of way of The New York, Brooklyn and Manhattan Beach Railway Company (Long Island Railroad). A copy of the contract is attached to the petition. A public hearing on the application, after public notice, was held by this Board in New York city on July 17, 1906, at which time John L. Wells appeared for the applicants and W. N. Selisberg also appeared for the Long Island Railroad Company. No one else appeared.

From New Lots road to a point about 200 feet north of Pitkin avenue The New York, Brooklyn and Manhattan Beach Railway (Long Island Railroad) and the Canarsie Railroad parallel each other and between these points the Canarsie Railroad is being changed to an elevated railroad while the Long Island Railroad is being depressed, thus involving the use of portions of the respective rights of way of each by the other. It is for these reasons that this contract is proposed. It may be that such a contract does not come within the provisions of section 80 of the Railroad Law, which requires the consent of this Board before parallel or competing steam railroads may enter into a lease or contract for the use of their respective roads, but inasmuch as such consent may be required this application is made. This Board sees no objection to granting its consent to this contract. It is, therefore,

Ordered, that this Board consent and it does hereby consent, under section 80 of the Railroad Law, to the said contract between the Long Island Railroad Company, The New York, Brooklyn and Manhattan Beach Railway Company and the Canarsie Railroad Company for the use of a portion of their respective rights of way from New Lots road to a point about 200 feet north of Pitkin avenue, Brooklyn, a copy of which contract is attached to the petition of said companies to this Board in this matter. (Case No. 3621.)

Change of Name of Station.

IN THE MATTER OF THE PETITION OF MERCHANTS AND OTHERS OF CANASERAGA, ALLEGANY COUNTY, ON THE ERIE, AND THE PITTSBURG, SHAWMUT AND NORTHERN RAILROADS, AS TO THE NAME OF THE CANASERAGA STATION ON THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD AND WEST SHORE RAILROAD, LESSOR.

June 4, 1906.

On February 1, 1906, there was filed with this Board a petition from merchants and others of Canaseraga, Allegany county, on the Erie, and Pittsburgh, Shawmut and Northern railroads, requesting that the name of the Canaseraga station on the New York Central and Hudson River Railroad and West Shore Railroad, its lessor, be changed because of misshipment of goods intended for the Canaseraga station in Allegany county. After correspondence with the New York Central and Hudson River Railroad company it informed the Board that, effective on June 17, 1906, the name of the Canaseraga station on its railroad and its West Shore Railroad, lessor, had been changed to Sullivan. The case was closed. (Case No. 3499.)

Accidents.

The Board does not publish in detail the results of its special investigation of accidents because of lack of space, but the reports in full are on file in the office. As usual, copies of the inspectors' reports were sent to the companies and where recommendations were made, mention is made below. The recommendations made, have generally been adopted.

STEAM RAILROADS.

ALBANY AND HUDSON RAILROAD.

1. Head-on collision near Nassau, December 26, 1905. No recommendation. (Steam Case No. 43 — 1905.)

BOSTON AND MAINE RAILROAD.

2. Misplaced switch accident at Walloomsac, January 6, 1906. No recommendation. (Steam Case No. 3 — 1906.)
3. Grade crossing collision at Hoosick Falls, July 3, 1906. Recommendation (Steam Case No. 41 — 1906.)
4. Rear collision between two passenger trains at Lansingburgh, October 4, 1906. Recommendation. (Steam Case No. 61 — 1906.)

BUFFALO, ROCHESTER AND PITTSBURG RAILWAY.

5. Derailment of passenger train at Colden, November 21, 1906. No recommendation. (Steam Case No. 71 — 1906.)

DELAWARE AND HUDSON COMPANY.

6. Derailment of passenger train at Dyes' switch, November 13, 1905. Recommendation. (Steam Case No. 35 — 1905.)
7. Blowing out of pocket flue into fire box of engine 118 near Unadilla, November 30, 1905. No recommendation. (Steam Case No. 38 — 1905.)
8. Collision at East Windsor, December 1, 1905. No recommendation. (Steam Case No. 45 — 1905.)
9. Head-on collision near Schenectady, January 31, 1906. No recommendation. (Steam Case No. 11 — 1906.)
10. Collision between Schenectady and Delanson, January 31, 1906. No recommendation. (Steam Case No. 12 — 1906.)
11. Collision between freight and passenger trains near Saratoga, March 7, 1906. No recommendation. (Steam Case No. 18 — 1906.)
12. Derailment of passenger train at Ballston Junction, July 3, 1906. No recommendation. (Steam Case No. 40 — 1906.)
13. Fatal injury to employee by being struck by a water column near Central Bridge, August 19, 1906. Recommendation. (Steam Case No. 49 — 1906.)
14. Rear collision between passenger trains at Cobleskill, September 16, 1906. No recommendation. (Steam Case No. 56 — 1906.)

DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

15. Grade crossing collision between engine and freight train at crossing of the Delaware, Lackawanna and Western and Buffalo Creek railroads near Smith street, Buffalo, November 7, 1906. Recommendations. (Steam Case No. 34 — 1905.)

Change of Name of Station.

IN THE MATTER OF THE PETITION OF MERCHANTS AND OTHERS OF CANASERAGA, ALLEGANY COUNTY, ON THE ERIE, AND THE PITTSBURG, SHAWMUT AND NORTHERN RAILROADS, AS TO THE NAME OF THE CANASERAGA STATION ON THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD AND WEST SHORE RAILROAD, LESSOR.

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BOSTON AND MAINE RAILROAD.

2. Misplaced switch accident at Walloomsac, January 6, 1906. No recommendation. (Steam Case No. 3—1906.)
3. Grade crossing collision at Hoosick Falls, July 3, 1906. Recommendation (Steam Case No. 41—1906.)
4. Rear collision between two passenger trains at Lansingburgh, October 4, 1906. Recommendation. (Steam Case No. 61—1906.)

BUFFALO, ROCHESTER AND PITTSBURG RAILWAY.

5. Derailment of passenger train at Colden, November 21, 1906. No recommendation. (Steam Case No. 71—1906.)

DELAWARE AND HUDSON COMPANY.

6. Derailment of passenger train at Dyes' switch, November 13, 1905. Recommendation. (Steam Case No. 35—1905.)
7. Blowing out of pocket flue into fire box of engine 118 near Unadilla, November 30, 1905. No recommendation. (Steam Case No. 38—1905.)
8. Collision at East Windsor, December 1, 1905. No recommendation. (Steam Case No. 45—1905.)
9. Head-on collision near Schenectady, January 31, 1906. No recommendation. (Steam Case No. 11—1906.)
10. Collision between Schenectady and Delanson, January 31, 1906. No recommendation. (Steam Case No. 12—1906.)
11. Collision between freight and passenger trains near Saratoga, March 7, 1906. No recommendation. (Steam Case No. 18—1906.)
12. Derailment of passenger train at Ballston Junction, July 3, 1906. No recommendation. (Steam Case No. 40—1906.)
13. Fatal injury to employee by being struck by a water column near Central Bridge, August 19, 1906. Recommendation. (Steam Case No. 49—1906.)
14. Rear collision between passenger trains at Cobleskill, September 16, 1906. No recommendation. (Steam Case No. 56—1906.)

DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

15. Grade crossing collision between engine and freight train at crossing of the Delaware, Lackawanna and Western and Buffalo Creek railroads near Smith street, Buffalo, November 7, 1905. Recommendations. (Steam Case No. 34—1905.)

16. Grade crossing collision between freight trains of the Delaware, Lackawanna and Western and New York Central and Hudson River railroad companies at the crossing of the Delaware, Lackawanna and Western and the tracks of the Buffalo Creek, Nickel Plate and Pennsylvania railroads near Smith street, Buffalo, May 28, 1906. No recommendations. (Steam Case, No. 32 — 1906.)

17. Derailment of passenger train on Utica division of Delaware, Lackawanna and Western at Chadwicks, June 30, 1906. No recommendation. (Steam Case No. 39 — 1906.)

ERIE RAILROAD.

18. Derailment and collision of freight trains near Wellsburg, October 13, 1905. No recommendation. (Steam Case No. 31 — 1905.)

19. Derailment of a passenger train at Falconer, November 20, 1905. No recommendation. (Steam Case No. 37 — 1905.)

20. Explosion of steam locomotive boiler No. 1003, New York, Susquehanna and Western division, December 24, 1905. No recommendation. (Steam Case No. 46 — 1905.)

21. Employee killed by striking obstruction near Elmira, February 15, 1906. Recommendation. (Steam Case No. 15 — 1906.)

22. Derailment of passenger trains near Binghamton, March 7, 1906. No recommendation. (Steam Case No. 19, 1906.)

23. Derailment of passenger train near Blasdell, April 9, 1906. No recommendation. (Steam Case No. 25 — 1906.)

24. Breaking of the bridge near South Dayton, May 13, 1906. No recommendation. (Steam Case No. 29 — 1906.)

25. Collision between a passenger train and a locomotive at Port Jervis, July 15, 1906. No recommendation. (Steam Case No. 45 — 1906.)

26. Passenger train running into open switch near Suffern, September 9, 1906. Recommendation. (Steam Case No. 55 — 1906.)

27. Dropping of crown sheet of locomotive No. 1660 near Chemung, October 4, 1906. No recommendation. (Steam Case No. 67 — 1906.)

FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD.

28. Derailment of an electric car at a switch on the Mohawk River bridge near Schenectady, July 1, 1906. Recommendation. (Steam Case No. 48 — 1906.)

29. Collision of two electric cars in the village of Aiken, October 2, 1906. No recommendation. (Steam Case No. 59 — 1906.)

LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY.

30. Dropping of crown sheet on engine No. 5949 near Dunkirk, June 2, 1906. No recommendation. (Steam Case No. 63 — 1906.)

31. Derailment of passenger train near West Seneca, June 17, 1906. No recommendation. (Steam Case No. 37 — 1906.)

32. Blowing out of fire box plug on locomotive No. 4132 at West Seneca, November 3, 1906. Recommendation. (Steam Case No. 70 — 1906.)

LEHIGH VALLEY RAILROAD.

33. Locomotive boiler explosion, engine No. 1161 at Swamp Siding, December 22, 1905. No recommendation. (Steam Case No. 42 — 1905.)

34. Derailment of passenger train near Honeoye Falls, March 22, 1906. No recommendation. (Steam Case No. 21 — 1906.)

35. Rear collision between passenger and freight train near East Rush, December 1, 1906. No recommendation. (Steam Case No. 73 — 1906.)

LONG ISLAND RAILROAD.

36. Head-on collision between passenger train and work train near Manhasset, June 11, 1906. No recommendation. (Steam Case No. 36 — 1906.)
37. Grade crossing accident at New Lots avenue, Manhattan Beach division, July 15, 1906. Recommendation. (Steam Case No. 46 — 1906.)
38. Rear collision between passenger trains on the Rockaway Beach division, October 2, 1906. No recommendation. (Steam Case No. 60 — 1906.)
39. Rear collision between extra passenger cars at Belmont Park race track, October 19, 1906. No recommendation. (Steam Case No. 64 — 1906.)
40. Grade crossing accident at Woodside Junction, October 25, 1906. No recommendation. (Steam Case No. 66 — 1906.)

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

41. Head-on collision between freight and passenger trains near Liverpool, Rome, Watertown and Ogdensburg division, November 7, 1905. No recommendation. (Steam Case No. 33 — 1905.)
42. Derailment and collision at North Tonawanda, November 19, 1905. No recommendation. (Steam Case No. 36 — 1905.)
43. Derailment of passenger train at Mott Haven, December 7, 1905. No recommendation. (Steam Case No. 39 — 1905.)
44. Dropping of crown sheet on locomotive 2717, De Witt yard, December 6, 1905. No recommendation. (Steam Case No. 40 — 1905.)
45. Collision on the elevated structure near One Hundred and Fourth street, New York city, December 19, 1905. Recommendation. (Steam Case No. 41 — 1905.)
46. Collision between passenger and freight trains at Bergen, January 1, 1906. Recommendation. (Steam Case No. 1 — 1906.)
47. Dropping of crown sheet on locomotive No. 2351 at Wende, January 3, 6, 1905. No recommendation. (Steam Case No. 40 — 1905.)
48. Collision in Grand Central Station train house, January 7, 1906. No recommendation. (Steam Case No. 4 — 1906.)
49. Head-on collision between freight trains near Geneva, January 8, 1906. Recommendation. (Steam Case No. 5 — 1906.)
50. Collision between milk trains at Katonah, January 8, 1906. No recommendation. (Steam Case No. 6 — 1906.)
51. Collision between two locomotives near Windsor Beach, January 8, 1906. No recommendation. (Steam Case No. 8 — 1906.)
52. Head-on collision between work train and freight train near Liverpool, January 11, 1906. No recommendation. (Steam Case No. 9 — 1906.)
53. Rear collision between freight trains at Seneca River, February 8, 1906. No recommendation. (Steam Case No. 13 — 1906.)
54. Collision between passenger train and freight train on the West Shore railroad near Ravena, February 16, 1906. Recommendation. (Steam Case No. 14 — 1906.)
55. Derailment of freight train near Green Island February 20, 1906. No recommendation. (Steam Case No. 16 — 1906.)
56. Collision between passenger train and a Pere Marquette railroad company's locomotive near Black Rock, February 26, 1906. Recommendation. (Steam Case No. 17 — 1906.)
57. Collision between work train and a freight train near Suspension Bridge, March 19, 1906. No recommendation. (Steam Case 20 — 1906.)
58. Employee fatally injured by striking a water column near Herkimer, March 22, 1906. Recommendation. (Steam Case No. 22 — 1906.)
59. Collision between a passenger train and a locomotive at Rochester passenger station, March 23, 1906. Recommendation. (Steam Case No. 23 — 1906.)
60. Employee injured by striking a bridge near Corning, April 3, 1906. No recommendation. (Steam Case No. 24 — 1906.)
61. Collision between passenger train and a switching engine in the Exchange street station, Buffalo, April 10, 1906. No recommendation. (Steam Case No. 26 — 1906.)

62. Derailment by landslide on the West Shore railroad near Milton, April 13, 1906. No recommendation. (Steam Case No. 27—1906.)

63. Collision between a Wabash railroad train and a New York Central and Hudson River railroad switch engine near Black Rock, May 16, 1906. No recommendation. (Steam Case No. 28—1906.)

64. Collision between a locomotive without cars and a yard engine on the West Shore railroad near Ravens, May 19, 1906. Recommendation. (Steam Case No. 30—1906.)

65. Derailment of train near Hoffmans, May 26, 1906. No recommendation. (Steam Case No. 31—1906.)

66. Head-on collision near Union Square on the Rome, Watertown and Ogdensburg division, May 27, 1906. No recommendation. (Steam Case No. 33—1906.)

67. Collision between a freight and a passenger train on the Auburn branch, at Phelps, June 26, 1906. No recommendation. (Steam Case No. 38—1906.)

68. Collision between train and trolley car of the Yonkers Railroad Company at Nepperhan, July 3, 1906. Recommendation. (Steam Case No. 42—1906.)

69. Bursting of a flue in the boiler of engine No. 104 at Rensselaer, July 12, 1906. No recommendation. (Steam Case No. 44—1906.)

70. Derailment of a passenger train near Chelsea, July 29, 1906. Recommendation. (Steam Case No. 47—1906.)

71. Explosion of boiler, locomotive No. 2433, near Little Falls, August 26, 1906. No recommendation. (Steam Case No. 50—1906.)

72. Rear collision at Tremont, August 29, 1906. No recommendation. (Steam Case No. 51—1906.)

73. Grade crossing accident at Marlborough station on the West Shore railroad, September 1, 1906. Recommendation. (Steam Case No. 54—1906.)

74. Derailment of freight train at the Bronx River drawbridge (N. Y., N. H. & H. R. R.), September 23, 1906. Recommendation. (Steam Case No. 58—1906.)

75. Collision between freight train and one of Erie Railroad Company's near Corning, October 5, 1906. No recommendation. (Steam Case No. 62—1906.)

76. Collision between train and an electric locomotive near Schenectady, October 22, 1906. No recommendation. (Steam Case No. 65—1906.)

77. Overheating of crown sheet of boiler of locomotive No. 1019 at Mott Haven, November 14, 1906. No recommendation. (Steam Case No. 68—1906.)

78. Overheating of crown sheet of boiler of locomotive No. 2013 at Mott Haven, November 18, 1906. No recommendation. (Steam Case No. 69—1906.)

79. Collision between a freight train and pusher for locomotive near Corning, November 22, 1906. Recommendation. (Steam Case No. 72—1906.)

80. Overheating of crown sheet of boiler of locomotive No. 1877 at Batavia, December 7, 1906. No recommendation. (Steam Case No. 74—1906.)

NEW YORK, ONTARIO AND WESTERN RAILWAY.

81. Derailment of mixed train between Solsville and Oriskany Falls, November 1, 1905. No recommendation. (Steam Case No. 32—1905.)

82. Head-on collision between engines of two freight trains at Norwich, July 1, 1906. No recommendation. (Steam Case No. 43—1906.)

83. Giving way of side rod of engine No. 164 near Hamilton, September 5, 1906. No recommendation. (Steam Case No. 53—1906.)

84. Derailment of a passenger train near Fulton, September 22, 1906. No recommendation. (Steam Case No. 57—1906.)

NEW YORK AND OTTAWA RAILROAD.

85. Derailment of a passenger train near Bay Pond, December 23, 1905. Recommendation. (Steam Case No. 44—1905.)

PENNSYLVANIA RAILROAD.

86. Collision between a passenger train and switch engine near Ebenezer, August 30, 1906. No recommendation. (Steam Case No. 52—1906.)

STATEN ISLAND RAPID TRANSIT RAILWAY.

87. Head-on collision between passenger train and locomotive at St. George, January 23, 1906. No recommendation. (Steam Case No. 10—1906.)

88. Rear collision between passenger trains at Stapleton, June 10, 1906. No recommendation. (Steam Case No. 35—1906.)

STREET AND ELEVATED RAILROADS.**BROOKLYN HEIGHTS.**

1. Car caught fire near Thirty-seventh street and Fifth avenue, October 8, 1905. No recommendation. (Street Case No. 35 — 1905.)

2. Collision between a Marcy avenue and a Berger street car at Bergen street and Vanderbilt avenue, October 20, 1905. No recommendation. (Street Case Nos. 37 and 38 — 1905.)

3. Rear collision near Flushing, October 21, 1905. No recommendation. (Street Case No. 39 — 1905.)

4. Rear collision corner Fulton street and Ralph avenue, November 14, 1905. No recommendation. (Street Case No. 48 — 1905.)

5. Collision between cars at Johnson avenue and Lorimer street, November 24, 1905. No recommendation. (Street Case No. 49 — 1905.)

BROOKLYN UNION ELEVATED RAILROAD.

6. Collision between train and buffer post at the Broadway Ferry terminal, December 3, 1905. No recommendation. (Street Case No. 50 — 1905.)

7. Derailment near Chestnut street junction, January 19, 1906. No recommendation. (Street Case No. 4 — 1906.)

8. Collision between elevated trains at Navy street junction, January 22, 1906. No recommendation. (Street Case No. 6 — 1906.)

9. Collision between a train and a car on the Sea Beach line, May 19, 1906. No recommendation. (Street Case No. 20 — 1906.)

CATSKILL ELECTRIC RAILWAY.

10. Head-on collision between passenger cars, June 29, 1906. No recommendation. (Street Case No. 31 — 1906.)

CHAUTAUQUA TRACTION COMPANY.

11. Grade crossing collision of car with Erie switch engine between Lakewood and Celeron, September 1, 1906. No recommendation. (Street Case No. 43 — 1906.)

HUDSON VALLEY RAILROAD COMPANY.

12. Head-on collision between cars one mile north of Fort Edward, July 2, 1905. No recommendation. (Street Case No. 15 — 1905.)

13. Derailment of car between Lake George and Warrensburg, January 19, 1906. No recommendation. (Street Case No. 5 — 1906.)

HUNTINGTON RAILROAD COMPANY.

14. Rear collision between cars at Mill Dam road, May 2, 1906. No recommendation. (Street Case No. 19 — 1906.)

Length of Steam Railroads....	318

ACTUALLY BUILT AND IN OPERATION IN NEW YORK STATE, JUNE 30, 1906.

(This does not include second track, sidings or turnouts.)

Small capitals indicate lessees or owners; indentations indicate leased, operated or proprietary lines.

Name of company.	Miles in New York State.
*Albany and Hudson.....	35.10
*Hudson Street portion.....	2.25
†Amsterdam, Chuchtanunda and Northern.....	1.50
Bath and Hammondsport.....	10.00
BOSTON AND MAINE:	
Fitchburg.....	88.84
Saratoga and Schuylerville Branch.....	25.82
Troy and Bennington.....	5.04
Brooklyn and Rockaway Beach.....	3.20
Buffalo, Attica and Arcade.....	28.00
Buffalo Creek.....	5.82
Buffalo Creek Transfer.....	1.10
Buffalo, Rochester and Pittsburgh.....	177.36
BUFFALO AND SUSQUEHANNA:	
Addison and Susquehanna.....	9.73
Wellsville, Coudersport and Pine Creek.....	10.11
CATSKILL MOUNTAIN	15.75
Cairo.....	3.77
Catskill and Tannersville.....	5.50
CENTRAL NEW ENGLAND	57.60
Dutchess County.....	12.40
Hartford and Connecticut Western.....	42.50
Newburgh, Dutchess and Connecticut.....	58.84

* Operated by electricity.

† Operated by New York Central and Hudson River under contract.

Name of company.	Miles in New York State.
Connecting Terminal	1.00
Cranberry Lake	6.00
DANSVILLE AND MOUNT MORRIS.....	12.53
Avon, Geneseo and Mount Morris (a part).....	2.35
Delaware and Eastern.....	13.67

DELAWARE AND HUDSON COMPANY:

Adirondack	56.97
Albany and Susquehanna.....	142.59
Chateaugay and Lake Placid.....	63.23
Cherry Valley, Sharon and Albany.....	21.04
Cooperstown and Charlotte Valley.....	4.51
Cooperstown and Susquehanna Valley.....	19.48
Lackawanna and Susquehanna (owned).....	17.65
New York and Canada and leased lines.....	149.67
Plattsburgh and Dannemora.....	16.38
Rensselaer and Saratoga and leased lines.....	155.15
Schenectady and Duaneburgh	13.79
Schenectady and Mechanicville (owned).....	9.93
Ticonderoga	1.41

DELAWARE, LACKAWANNA AND WESTERN:

Cayuga and Susquehanna.....	34.41
Erie and Central New York.....	18.31
Greene	8.10
New York, Lackawanna and Western.....	208.06
Oswego and Syracuse.....	34.98
Syracuse, Binghamton and New York.....	80.95
Utica, Chenango and Susquehanna Valley.....	97.41
Valley.	11.11

ERIE AND PROPRIETARY LINES.....	795.13
Avon, Geneseo and Mount Morris.....	15.35
Goshen and Deckertown.....	11.64
Middletown and Crawford.....	10.22
Middletown, Unionville and Water Gap.....	13.65
Montgomery and Erie.....	10.43
Northern Railroad of New Jersey.....	5.82
Patterson and Hudson River.....	.85
Rochester and Genesee Valley.....	18.40

Name of company.	Miles in New York State.
FONDA, JOHNSTOWN AND GLOVERSVILLE.....	*75.34
†Johnstown, Gloversville and Kingsboro.....	4.23
‡Gloversville and Broadalbin.....	6.20
§Fulton Chain	2.21
Genesee and Wyoming.....	16.16
Glenfield and Western.....	16.78
GRAND TRUNK:	
Champlain and St. Lawrence.....	1.21
United States and Canada.....	22.18
Greenwich and Johnsonville.....	21.24
Island . . . . .	.14
Jamestown, Chautauqua and Lake Erie.....	37.39
Kanona and Prattsburgh	11.44
Keeseville, Ausable Chasm and Lake Champlain.....	5.64
Lake Champlain and Moriah.....	9.48
Lake Shore and Michigan Southern.....	69.50
LEHIGH AND HUDSON RIVER.....	14.50
Orange County	10.70
LEHIGH AND NEW ENGLAND:	
Campbell Hall Connecting.....	3.78
Pochuck	2.70
LEHIGH VALLEY (RAILROAD):	
Hayt's Corners, Ovid and Willard.....	5.18
Lehigh and Lake Erie.....	2.94
Lehigh and New York.....	115.37
Lehigh Valley (Railway).....	497.83
Little Falls and Dolgeville.....	10.32
¶LONG ISLAND	316.35
**Brooklyn and Jamaica.....	9.68
Jamaica and South Shore.....	5.46
††New York, Brooklyn and Manhattan Beach.....	18.32
New York and Rockaway Beach.....	11.74
North Shore Branch.....	30.29

* 49.14 miles operated by electricity; 26.20 miles operated by steam.

† Electric road, operated by Fonda, Johnstown and Gloversville.

‡ Steam road operated by Fonda, Johnstown and Gloversville.

§ Operated by New York Central and Hudson River as Agent.

¶ 27.84 miles operated by both steam and electricity.

** Owned by Nassau Electric; operated by both steam and electricity.

†† 4.35 miles operated both by steam and electricity.

Name of company.	Miles in New York State.
Lowville and Beaver River.....	10.44
*Marine . . . . .	.44
†Massena Terminal	1.56
Middleburgh and Schoharie	5.33
NEW JERSEY AND NEW YORK.....	16.89
Garnerville	1.00
New Jersey and New York Extension.....	2.37
NEW YORK CENTRAL AND HUDSON RIVER.....	809.76
Albany Branch	11.52
Boston and Albany	38.56
Hudson and Chatham Branch.....	17.33
Carthage and Adirondack.....	45.85
Carthage Watertown and Sackett's Harbor.....	28.76
†Dunkirk, Allegheny Valley and Pittsburgh	42.30
Fall Brook	14.62
Gouverneur and Oswegatchie	13.24
Port Morris Branch	1.90
New York and Harlem.....	127.45
New York and Mahopac.....	7.22
New York and Putnam.....	53.73
Mohawk and Malone.....	182.18
Mahopac Falls	2.05
Niagara Falls Branch	8.58
Oswego and Rome.....	26.80
Rapid Transit Branch.....	3.10
Rockland Lake Branch.....	1.17
Rome, Watertown and Ogdensburg.....	410.14
Spuyten Duyvil and Port Morris.....	5.31
Syracuse, Geneva and Corning.....	64.27
Terminal of Buffalo	11.02
Tivoli Hollow	1.24
Troy and Greenbush.....	5.56
Utica and Black River.....	150.23
Wallkill Valley	32.88
West Shore	447.45

* Operated by electricity.

† Used by the New York Central and Hudson River.

‡ Leased to New York Central and Hudson River; operated by Lake Shore and Michigan Southern under agreement.

Name of company.	Miles in New York State.
New York Central, Hudson River and Fort Orange....	1.00
NEW YORK, CHICAGO AND ST. LOUIS.....	60.23
Lake Shore and Michigan Southern (Portion of)..	7.84
NEW YORK, NEW HAVEN AND HARTFORD.....	14.04
Harlem River and Port Chester.....	11.50
New England	30.56
NEW YORK, ONTARIO AND WESTERN.....	318.77
Ellenville and Kingston	27.14
Ontario, Carbondale and Scranton.....	2.91
Pecksport Connecting	3.69
Port Jervis, Monticello and Summitville.....	38.27
Rome and Clinton.....	12.78
Utica, Clinton and Binghamton.....	31.30
Wharton Valley	6.80
New York and Ottawa.....	69.27
New York and Pennsylvania.....	27.28
Niagara Junction	5.15
NORTHERN CENTRAL (OF PENNSYLVANIA):	
Elmira and Lake Ontario.....	99.61
Elmira and Williamsport.....	6.50
Norwood and St. Lawrence.....	7.50
Oswayo Valley .....	.50
Otis	1.08
Owasco River .....	.50
PENNSYLVANIA:	
Western New York and Pennsylvania.....	315.99
PITTSBURG, SHAWMUT AND NORTHERN.....	78.53
Rochester, Hornellsville and Lackawanna.....	10.37
PHILADELPHIA AND READING:	
Central Dock and Terminal.....	.39
Port Chester Terminal.....	.91
Poughkeepsie and Eastern.....	34.99
*Racquette Lake	18.13
†Rochester, Charlotte and Manitou.....	7.50

* Operated by New York Central and Hudson River as Agent.

† Operated by electricity.

Name of Company.	Miles in New York State.
RUTLAND	170.09
Addison . . . . .	.85
Schoharie Valley	4.38
Silver Lake	6.86
Skaneateles	5.00
South Buffalo	5.91
*St. Lawrence and Adirondack	10.25
Staten Island	12.65
Staten Island Rapid Transit	10.87
Sterling Mountain	7.60
Troy Union	1.87
Ulster and Delaware	128.90
Unadilla Valley	19.14
Total	<u>8,274.34</u>

* Operated by New York Central and Hudson River as Agent.

Length of Elevated, Underground and Surface Street Railroads .....	324

ACTUALLY BUILT AND IN OPERATION IN NEW
YORK STATE, JUNE 30, 1906.

(This does not include second track, sidings or turnouts.)

Small capitals indicate lessees or owners; indentations indicate
leased, operated or proprietary lines.

*Elevated and Street Surface Railroads (Operated by Mechanical
Traction).*

Name of company.	Miles in New York State.
Adirondack Lakes' (Gloversville).....	4.35
Auburn and Syracuse.....	35.119
*Bennington and Hoosick Valley.....	7.75
Binghamton	31.45
Black River Traction.....	10.00
 BROOKLYN HEIGHTS	 4.83
Brooklyn City	104.692
Brooklyn Union Elevated	35.653
Prospect Park and Coney Island and leased lines.	9.69
Sea Beach	6.34
South Brooklyn	1.465
Brooklyn, Queens County and Suburban.....	26.741
Buffalo and Depew.....	6.69
Buffalo, Dunkirk and Western.....	7.00
Buffalo Southern	19.50
Buffalo and Williamsville.....	8.75
Bush Terminal	2.675
Catskill	5.303
Chautauqua (Jamestown)	17.368
 CITY OF NEW YORK:	
New York and Brooklyn Bridge.....	1.30
Williamsburgh Bridge	3.20

*Also has 8.25 miles outside of State.

LENGTH OF ELEVATED AND SURFACE STREET RAILROADS. 325

Name of company.	Miles in New York State.
CONEY ISLAND AND BROOKLYN	13.75
Brooklyn City and Newtown.....	9.854
DeKalb Avenue and North Beach.....	.532
Coney Island and Gravesend.....	3.20
Corning and Painted Post.....	5.254
Cortland County Traction.....	14.76
Crosstown (Buffalo)	52.155
Dry Dock, East Broadway and Battery (New York City)	3.389
 DUNKIRK AND FREDONIA	 3.506
Buffalo, Dunkirk and Western.....	3.00
Eastern New York.....	12.00
Electric City (Niagara Falls).....	2.415
Elmira and Seneca Lake.....	16.125
 ELMIRA WATER, LIGHT AND RAILROAD	 11.556
West Side	8.068
West Water Street.....	3.526
 FISHKILL	 4.26
Citizens	2.53
Forty-second Street, Manhattanville and St. Nicholas Avenue (New York City).....	6.426
Geneva, Waterloo, Seneca Falls and Cayuga Lake....	17.00
Glen Cove	3.28
Hamburg.....	11.195
Hornellsville and Canisteo.....	4.318
Hornellsville Electric	4.845
 HUDSON VALLEY	 116.07
North River (Saratoga Spa).....	1.00
Huntington	3.036
 INTERBOROUGH (NEW YORK CITY):	
Manhattan Elevated	37.68
Rapid Transit (Subway).....	21.79
 *INTERNATIONAL (BUFFALO)	 121.828
Erie	19.72
Niagara Reservation (owned by New York State). . . . .	.16

* Has also 11.9879 miles in Canada.

326 LENGTH OF ELEVATED AND SURFACE STREET RAILROADS.

Name of company.	Miles in New York State.
ITHACA	6.33
Cayuga Lake Electric.	1.00
Ithaca and Cayuga Heights.	2.38
Jamestown	19.792
Jerome Park	1.666
Kingsbridge (New York city).	3.197
Kingston Consolidated	7.979
*Lake Erie	11.625
Lima-Honeoye Electric Light and Railroad.	4.46
Long Island Electric	16.70
Marcellus and Otisco Lake.	9.00
Nassau County	1.55
Nassau Electric (Brooklyn).	64.085
Newark and Marion.	8.19
New Paltz, Highland and Poughkeepsie.	9.021
New York City Railway and leased lines.	89.774
New York City Interborough.	4.12
New York and Long Island.	29.843
New York and Queens County.	40.241
New York and Stamford.	14.12
NIAGARA GORGE	6.83
Lewiston and Youngstown Frontier.	8.50
Northport Traction	2.69
OCEAN ELECTRIC	3.85
Rockaway Electric . . . . .	.18
Ogdensburg	9.50
†Olean	27.95
‡Olean, Rock City and Bradford.	9.48
Oneida	4.40
Oneonta and Mohawk Valley.	62.04
Orange County Traction (Newburgh).	16.75
Oswego Traction	10.50
Peekskill Lighting and Railroad.	10.01
Penn Yan, Keuka Park and Branchport.	8.50
Plattsburgh Traction	6.50
Port Jervis Electric Light, Power, Gas and Railroad.	4.30

* Has also 5.375 miles in Pennsylvania.

† Also operates, under lease, 4.10 miles in Pennsylvania.

‡ Also has 6.27 miles in Pennsylvania.

LENGTH OF ELEVATED AND SURFACE STREET RAILROADS. 327

Name of company.	Miles in New York State.
Poughkeepsie City and Wappingers Falls.....	15.80
Richmond Light and Railroad.....	18.85
ROCHESTER	47.74
Rochester Electric	4.61
Rochester and Sodus Bay.....	39.08
Rochester and Suburban (portion to Summerville)	4.56
ROCHESTER AND EASTERN.....	38.79
Ontario Light and Traction.....	2.81
Rochester and Suburban	5.87
Rome	5.50
Schenectady	56.95
Southern Boulevard (New York city).....	3.50
Southfield Beach	1.87
St. Lawrence International Electric R. R. and Land..	7.50
Staten Island Midland.....	16.076
Syracuse, Lakeshore and Northern.....	14.67
SYRACUSE RAPID TRANSIT.....	43.35
East Side Traction	8.00
Syracuse and Suburban	15.71
Tarrytown, White Plains and Mamaroneck.....	21.58
Thirty-fourth Street Crosstown (New York city).....	.476
Troy and New England.....	8.90
Twenty-eighth and Twenty-ninth Streets Crosstown (New York city) . . . . .	.331
UNION (NEW YORK CITY).....	40.338
Bronx Traction	6.912
UNITED TRACTION (ALBANY AND TROY).....	38.632
Capital	1.286
Cohoes	6.25
Lansingburgh and Cohoes	1.10
Troy and Cohoes.....	3.58
Waterford and Cohoes.....	1.888
UTICA AND MOHAWK VALLEY.....	59.031
Utica, Clinton and Binghamton (street portion).	9.96

328 LENGTH OF ELEVATED AND SURFACE STREET RAILROADS.

Name of company.	Miles in New York State.
Van Brunt Street and Erie Basin (Brooklyn).....	1.25
Wallkill Transit.....	11.74
*Warren and Jamestown.....	10.00
†Waverly, Sayre and Athens.....	4.33
Westchester Electric.....	27.977
Westchester Traction (Ossining).....	2.943
Yonkers ..	25.24
Total ..	<u>2,055.58</u>

Operating Street Surface Railroads (Operated by Animal Power).

Babylon ..	1.53
City Island ..	1.80
Dry Dock, East Broadway and Battery (New York city) ..	5.090
Forty-second Street, Manhattanville and St. Nicholas Avenue (New York city).....	5.821
Fulton Street (New York city).....	.394
Lake Ontario and Riverside (Fulton and Oswego Falls portion) ..	1.00
New York City and leased lines.....	31.813
Pelham Park ..	1.40
Twenty-eighth and Twenty-ninth Streets Crosstown (New York city) ..	2.505
Total ..	<u>51.353</u>

SUMMARY.

Operated by mechanical traction.....	2,055.580
Operated by horses.....	51.353
Total (street surface and elevated).....	<u>2,106.933</u>

*Also operates 10 miles in Pennsylvania.
†Also operates 4.83 miles in Pennsylvania.

Inspections.

Following are reports made by the inspector for this Board of his regular inspections during the year of steam railroads in the State, about half the mileage of which is inspected each year, and statements as to prior inspections. The steam railroad inspections include the elevated railroads in New York and Brooklyn when those railroads are inspected. Following these reports are certain reports or references as to inspections of street surface railroads. Copies of these reports are sent to the companies with letters, in most instances making the recommendations of the inspector or electrical expert the recommendations of this Board, and the companies are given an opportunity for hearing, if they desire a hearing. As will be seen by reference to note at the foot of each report, in most instances the companies have informed the Board that they would comply with the recommendations.

Steam Railroads.

(Inspections and reports made by the Inspector.)

BATH AND HAMMONDSPORT RAILROAD.

(Inspected September 3, 1906.)

On September 3, 1906, I made an inspection of the Bath and Hammondsport railroad and respectfully submit the following report:

The Bath and Hammondsport Railroad connects with the Rochester Division of the Erie railroad at Bath, and extends to Hammondsport on Lake Keuka, a distance of 9.33 miles. It is a single track road and has about 1.00 mile of sidings and yard tracks.

The general alignment of the road is very fair and the few curves are generally light. The grades are steep, the maximum being 152 feet per mile.

The roadway is very well graded and the drainage system good.

The only bridges are four short spans of I-beams. They are in very fair condition, but would be benefited by an additional coat of paint.

When my former inspection was made, August, 1904, there was a single I-beam under each rail; since that inspection, an additional I-beam has been put in on either side; this on account of wishing to operate heavier motive power. The road, since that inspection, has passed into the control of the Erie Railroad Company, and the lighter class of railroad motive power of that company is being operated over this line.

The ties and guard timbers are of proper dimensions and in good sound condition.

There are no timber trestles.

Open culverts and cattle passes have masonry constructed of small stone, but in generally fair condition, and the few needing it are to be rebuilt or repaired. Timber stringers are used on most of those small openings; on a few of them, however, rails are used. All are in suitable condition.

The ties and guard timbers are the same as on the small iron bridges and are properly maintained.

There are no arch culverts. The box culverts and iron pipe drains are properly maintained.

The cross ties are nearly all white oak, six by eight inches, eight feet in length, and are laid at the rate of 2,640 to a mile of track. They are very well spaced, full spiked, and necessary renewals have been or are being made.

Switch and semaphore lamps show red light for danger, white for safety and green for caution. Quite a number of outlying and obscure switches are protected by distant signals that are interlocked with the switch stands. The main track frogs are spring rail and are properly maintained. Derailing switches are in all tracks where their use appears necessary, and have stands equipped with targets.

The road is very well ballasted with gravel and cinders, mainly gravel.

The tracks are in good alignment and surface, and the outer rail on curves is properly elevated for the speed at which trains are scheduled.

The track sections of the Buffalo and Middle division are about 5.10 miles in length, of the Rochester division 6 miles in length, and of the Lincoln Park and Charlotte branch $8\frac{1}{4}$ miles in length. The force of men employed upon each section caring for track consists of a foreman and six laborers. Regular track-walkers are employed. Each gang is furnished with flags, lanterns and torpedoes for protecting their work.

Grades and Curves.

The maximum grade of the Buffalo and Middle division is 89 feet per mile, and on that division there are several long grades; on the Rochester division, 71 feet per mile, between Silver Lake Junction and Gainesville; on the Lincoln Park and Charlotte branch the maximum grade is 70 feet per mile, and on the Silver Springs branch, 58 feet per mile. The maximum curves of the Buffalo and Middle division are 7 degrees, of the Rochester division 5 degrees and 40 minutes, of the Lincoln Park and Charlotte branch 6 degrees, and of the Silver Springs branch 8 degrees. Most of the curves on all the lines, however, are light, and there are many long tangents.

Grade Crossings of Railroads.

-The Buffalo and Middle division crosses at grade one branch freight track of the Erie railroad, Bradford division, at Limestone; the crossing is protected by a tilting board signal; the trains on the Buffalo, Rochester and Pittsburg railway do not stop if the signal is in their favor; trains of the Erie road desiring to use this branch track are required to protect. One track of the Western New York and Pennsylvania railway, River division, at Riverside Junction; the crossing is protected by a tilting board signal and all trains are required to come to a full stop before crossing. The Rochester division main line crosses one track of the Western New York and Pennsylvania, used only by freight trains transferring to and from the New York Central and Hudson River railroad at Rochester; the crossing is protected by a tilting board signal; trains of the Buffalo, Rochester and Pittsburg railway do not stop at this crossing if the signals are in their favor, and all trains approach under control; trains of the Western New York and Pennsylvania railway do stop, and proceed only under protection of the signals. Two tracks of the Lehigh Valley railroad at Pittsburg and Lehigh Junction; the crossing is protected by a modern and complete interlocking plant, with derailing switches in all tracks. One track of the New York Central and Hudson River railroad, Canandaigua branch, and three tracks of the Erie railroad, Attica branch, at Le Roy; the crossing is protected by a tilting board signal and all trains are required to come to a full stop before crossing. Two tracks of the Western New York and Pennsylvania railway, Buffalo division, at Machias; the crossing is protected by a tilting board signal and all trains are required to come to a full stop before crossing.

No electric railroads are crossed at grade.

Interlocking.

The only interlocking plants maintained are at the crossing of the Lehigh Valley railroad at Pittsburgh and Lehigh Junction, and a short piece of gauntleted double track over a bridge near Riverside Junction.

Right of Way.

The right of way is entirely cleared and free from brush, rubbish and refuse material. Grass and weeds were being cut when the inspection was made. The fences are mainly of wire, and while generally in fair repair, some additional repairs are needed, as, notably, on the Lincoln Park and Charlotte branch.

Highway Crossings.

The grade crossings of highways are in proper condition, well graded and the planking good. Crossing signs of the diamond form are suitably located at each crossing and are well painted.

Metallic slat cattle guards with proper guard fences are in place at each boundary of all the highways crossed at grade.

Brush in the vicinity of highway crossings, not only upon the right of way but along the side of the highway and on private property, where permission could be obtained, has been removed.

One highway crossing is protected by flagman and gates, fifteen by flagmen, and seven by electric bells.

Block System.

The movements of trains are governed by the telegraphic train order system, semaphore signals being located at stations. Freight trains are blocked ten minutes apart; passenger trains a station apart.

The mile posts of the Buffalo and Middle and the Rochester division main lines are of concrete—of the branch lines, of wood. Whistle posts are properly located.

Stations, Etc.

The station buildings are in good repair; the waiting rooms are clean and neat, water for drinking is provided, and time tables are properly posted. Water in pails and barrels and fire extinguishers are kept in stations as protection against fire. The station platforms are of plank, gravel and stone screenings. The station grounds and yards are well kept. Station employees are uniformed and wear a badge indicating their employment.

Equipment.

The entire equipment is in good condition. All passenger cars have automatic couplers and air brakes, are heated by steam and lighted with gas and oil lamps. Drinking water is furnished in all cars, and emergency tools are properly located in the centers of them. All passenger trainmen wear uniform and a badge. The freight equipment is well maintained. All the cars have automatic couplers and 78 per cent. of them are equipped with air brakes. Dining or café cars are run in the through trains. Since the last inspection there have been added to the equipment 41 locomotives, 22 passenger cars, and 1,364 freight cars.

Repairs and Improvements.

Among the principal repairs and improvements noted as made since the last inspection are the following: Fifteen per cent. of the cross-ties have been renewed; 17.51 miles of the Buffalo and Middle division main line tracks have been rebalasted with gravel and cinders, and 11.60 miles of the Rochester division main line with gravel. On the Buffalo and Middle division there have been laid 10.41 miles of new 90-pound, and 1.9 miles of 80-pound steel rail, replacing worn 80-pound rail, and on the Rochester division main line 8 miles of 80-pound and 1.71 miles of 90-pound rail, replacing worn 80-pound rail; 22.5 miles of fence of the Buffalo and Middle division and 25.5 miles of the Rochester division have been rebuilt and 8.5 miles of the Buffalo and Middle division and 5 miles of the Rochester division extensively repaired. The second main track of the Buffalo and Middle division, from the

Pennsylvania State line to Ashford, has been completed, and on the Rochester division improvements have been made at various places reducing grades. The yards at Lincoln Park, Rochester, and freight house at Ganson street, Buffalo, and Clinton street, Buffalo, have been remodeled, and the yard at Salamanca greatly enlarged. All the passing tracks have been extended so as to hold 75 cars. Bridges 17 and 24 of the Rochester division, light iron structures, have been replaced with stronger bridges; three timber trestles replaced with concrete culverts and filling; three open culverts and cattle passes of the Buffalo division and two of the Rochester division have been rebuilt; two arch and box culverts of the Buffalo and Middle division and three of the Rochester division have been entirely rebuilt; the masonry to bridges 17 and 24 of the Rochester division rebuilt, and masonry at many other bridges, culverts and cattle passes repaired. New passenger stations have been constructed at Warsaw and Glenwood. Necessary repairs have been made to station and other buildings, and those needing it have been repainted. Extensive repainting has also been done to iron bridges.

Recommendations.

That inside guard-rails be maintained on all bridges and trestles exceeding 20 feet in length; that necessary repairs be made to fences, and that the warning signals at overhead obstructions be put in proper condition.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied that material had been ordered for over thirty miles of fence for next year, and that it would continue fencing until all of its fences were in first class condition; also, that the warning signals would be thoroughly gone over and kept in good condition, and guard rails placed as soon as possible on the longer trestles and bridges. (No. 11 — 1906.)

CATSKILL AND TANNERSVILLE RAILWAY.

(Inspected May 7, 1906.)

Regarding the condition of the Catskill and Tannersville Railway, I have examined said railway, which examination was made on May 7, 1906.

I find that in many places the ditches have become blocked and that the roadbed is soft in places. The trestles have been properly repaired, and the masonry to trestle No. 3 has been made secure. Nothing additional has been done to fences and cattle guards since the inspection made June 27, 1903. At Haynes Corners the company is putting in a siding and is to construct a freight house. At Tannersville there has been no change in the station buildings. The following recommendations, a portion of which were contained in the report of the inspection made June 27, 1905, are hereby made:

Recommendations.

That additional widening of cuts and strengthening of embankments be done where necessary; that the fences be put in proper repair; that proper guard fences be constructed at each boundary of all highways crossed at grade; that a freight station be constructed at Haynes Corners and that additional room for freight be provided at Tannersville; that the ditches be thoroughly cleaned and the track put in proper surface and alignment and that until this is done the speed of trains be restricted to fifteen miles per hour.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company informed the Board that the recommendations made would be complied with. (No. 2 — 1906.)

CENTRAL DOCK AND TERMINAL RAILWAY.

(Inspected August 24, 1906.)

On August 24, 1906, I made an inspection of the Central Dock and Terminal Railway, and respectfully report as follows:

The Central Dock and Terminal Railway connects with the Buffalo and Niagara Falls branch of the New York Central and Hudson River Railroad in Buffalo, and extends to a coal shipping trestle. The length of the road is 0.39 of a mile, constructed almost entirely upon a timber trestle. Where it crosses over the tracks of the New York Central and Hudson River Railroad there is an iron bridge. For most of its length there are three tracks; two main tracks and a third one for the return of empty cars from the place where the coal is dumped or loaded on boats. This third track is constructed on the same trestle as the main track, but on a different and lower grade, and is between the two main tracks. In addition to the tracks above referred to, there are approximately two miles of yard tracks constructed upon the ground at the foot of and along side the trestle.

The trestle and the iron bridge are in very fair condition, except that the bridge should be repainted.

The track is laid with 80-pound rail which has been put in since the last inspection, replacing lighter rail.

The switches are split point and have rigid stands.

The road owns but one locomotive and no cars.

The road is in proper condition for the purpose for which it is used, and the only recommendation appearing necessary, is that the iron bridge should be repainted to prevent injury from rust.

A copy of this report was sent to the company. (No. 20—1906.)

CENTRAL NEW ENGLAND RAILWAY.

(Inspected May 3, 29, 30 and 31, 1906.)

On May 3, 29, 30 and 31, 1906, I inspected the portions of the Central New England Railway in the State of New York, and respectfully submit the following report:

The Central New England Railway Company operates in this state the following named lines of railroad: Main line, from the Connecticut State line to Campbell Hall, on the line of the New York, Ontario and Western Railway and the Montgomery branch of the Erie Railroad, 78.1 miles, with 4.6 miles of second main track, and about 28 miles of sidings and yard tracks; Rhinecliff branch, from Silvernails, on the main line, to Rhinecliff, on the Hudson River division of the New York Central and Hudson River Railroad, 21.4 miles, single track, with about four miles of sidings and yard tracks; Hopewell branch, from a connection with the main line at Poughkeepsie to Hopewell, 12.4 miles, single track, and approximately two miles of sidings and yard tracks; the Newburgh, Dutchess and Connecticut Railroad, from Dutchess Junction, on the line of the Hudson River division of the New York Central and Hudson River Railroad, to a junction with the main line of the Central New England Railway at State Line, 58.84 miles, single track, and approximately eleven miles of sidings and yard tracks.

All main tracks are laid with steel rail; in some of the yard tracks there yet remains a small amount of iron rail. The main line of the Central New England has 6.62 miles of main track laid with 80-pound rail, connected by angle plates of 30 inches in length with 6 bolts; 74.6 miles with 70-pound rail, connected by Fisher joints; and 1.48 miles with 70-pound rail connected by 24-inch angle plates with four bolts. The Rhinecliff branch is laid with 58 and 60-pound rail, connected by angle plates 24-inches in length with 4 bolts. The Hopewell branch is laid entirely with 70-pound rail, connected by angle plates 30 inches in length with 6 bolts. The Newburgh, Dutchess and Connecticut Railroad has about 12.15 miles laid with

75-pound rail, and the remainder with 60-pound rail, connected by angle plates 24 inches in length with 4 bolts. Some improvement has been made in the grading of the various lines since the last inspection, June, 1904. Narrow cuts have been widened and resloped, and some embankments strengthened. The roadway is generally well drained; a few cuts, however, were observed on each of the lines where ditches were somewhat clogged and should be cleaned.

Most of the steel and iron bridges have fair to good masonry; a few are on timber bearings. Some of the iron bridges are rather light and a few are supported on timber bents pending renewal or strengthening. Pin-connected bridges Nos. 98B, 104A, 106A, 106B, and 107A, have had additional members put in with the idea of strengthening the structures. Clevis arrangements with rod connecting them have been put in with the intention of their operating in connection with the eye-bars. Owing to the manner in which this has been done, instead of giving additional strength to the structure, it is, in the opinion of your inspector, a source of danger, as the members as they now are cannot be kept in adjustment so that they will work together, and they put a torsion strain on various members which is detrimental. Those bridges should have bents placed under sufficient panel points to insure their safety until replaced, or properly strengthened by increasing the size of the bars, instead of putting in additional members which cannot be adjusted so as to distribute the strains properly. The bridge floors are standard and very well maintained; inside guard-rails are, however, lacking on practically all except those on the Newburgh, Dutchess and Connecticut Railroad; those are properly equipped. The Poughkeepsie River bridge is being practically rebuilt. The shore spans are to have additional columns to the towers, and entirely new girders or trusses; the river spans are to have additional columns to the towers and an additional truss, practically doubling the strength of the structure. This is a very extensive piece of work and will take probably a year or more to complete. With the exception of two trussed stringer bridges the only wooden span bridges, except those for overhead highways, are four Howe truss spans on the Rhinecliff branch. Two of them are now supported on bents pending renewal, and the remaining two are also to be replaced with iron bridges as soon as possible. The present bridges, however, are sufficient for the class of motive power and rolling stock now being operated over them. There are on the various lines of railroad many pile or framed bent trestles of standard construction, with good floor systems; necessary renewals have been or are being made, and all are in safe condition. Many open culverts and cattle passes are constructed entirely of timber and nearly all have timber stringers. The masonry to all west of Poughkeepsie and to many of those east of Poughkeepsie is in good condition; on other portions of the road there is some masonry in poor condition and the stringers are supported on pile or framed bents placed in front of the masonry. The masonry to a number of openings of this character has been rebuilt since the last inspection, and arrangements are made for rebuilding the masonry to others. The attention of the officers of the railroad company who accompanied your inspector was directed to all the structures and other things in connection with the maintenance requiring attention, and assurance given that all would be properly cared for and as promptly as possible. The arch and box culverts and iron pipe drains are generally in good condition; a few on the Rhinecliff branch are in need of repairs.

The cross-ties—6 x 8 and 6 x 9 inches, 8 feet in length, and laid generally at the rate of 2,816 to the mile of track—are in very fair condition and renewals being made as necessary. In the main line track, also that of the Rhinecliff and Hopewell branches, about 90 per cent. of them are chestnut and the remainder oak; on the Newburgh, Dutchess and Connecticut Railroad about 80 per cent. are yellow pine and the balance mixed oak and chestnut. All ties are full spiked. The rail is generally in fair to good condition; the rail where the Fisher joints are used is a little flattened at the ends, but not

sufficiently to make bad track. All the connections are full bolted and but few loose bolts were observed.

The alignment and surfacing of track are very good, and the outer rail on curves properly elevated for the speed at which trains are scheduled. All main track switches except one three-throw stub on the Hopewell branch, and a single-throw stub at Millerton, are split point and in fair to good condition. Rigid and automatic stands are both in use and all have proper targets, well painted. The switch and signal lamps show red light for danger, and green for safety, and yellow for caution. Most main track frogs are spring rail; rigid frogs are generally used on the Hopewell branch and some at other places. All are in proper condition. Derailing switches are in sidings upon which cars are left standing, where the grade descends toward the main track. Many of the stands to derailing switches have targets, and arrangements are made for putting targets on the others. The tracks are generally lightly ballasted with gravel and cinders. Considerable improvement has been made to the ballasting of portions of the line since the last inspection and trains are now being put on to haul gravel for ballasting other portions of the road.

Two tracks of the Harlem Railroad (operated by the New York Central and Hudson River Railroad Company) are crossed at grade by the main line at Boston Corners; the crossing is protected by flagman and gates and all trains are required to come to a full stop before crossing. One track of the Harlem Railroad is crossed at grade by the Newburgh, Dutchess and Connecticut Railroad at Millerton; the crossing is protected by flagman and gates and all trains are required to come to a full stop before crossing. The Hopewell branch and the Newburgh, Dutchess and Connecticut Railroad cross at grade at Hopewell Junction; the crossing is protected by an interlocking plant; there is, however, at this place a siding which connects with the main track of the Newburgh, Dutchess and Connecticut Railroad inside the derailing switch; this siding should also be connected with the interlocking and have a derailing switch. One track of the Citizens' Railroad, Light and Power Company (electric) crosses the Newburgh, Dutchess and Connecticut Railroad at grade at Matteawan; the crossing is protected by flagman and gates.

Interlocking plants are maintained at the crossing of the Newburgh, Dutchess and Connecticut Railroad and the Hopewell branch at Hopewell Junction and at the junction of the Hopewell branch with the main line at Poughkeepsie. The movements of trains are governed by the telegraphic train order system; semaphore signals are maintained at telegraph stations for that purpose.

The right of way is free from trees, brush and rubbish, and fenced with wire, in fair repair. Some cattle guards are maintained on the line of the Newburgh, Dutchess and Connecticut Railroad, but on the other lines they are generally lacking. Crossing signs of the finger-board, triangular or diamond form are in place at all the highways crossed at grade, some of which should be repainted, as they are getting dim. Mile and whistle posts are maintained.

The track sections are about five miles in length and the force employed upon each consists of a foreman and four to five laborers. Each gang is furnished with flags, lanterns and torpedoes. Regular track walkers are not employed, but all portions of the road are patrolled daily by some member of the section force.

On the main line there are three highway crossings protected by flagmen and one by an electric bell; on the Rhinecliff branch one crossing is protected by a flagman; on the Hopewell branch one crossing is protected by a flagman and two by electric bells; on the Newburgh, Dutchess and Connecticut Railroad, three by flagmen and one by flagman and gates. All overhead obstructions are protected by warning signals; a few of them, however — to which attention was directed — are in need of repair.

The station buildings, although many of them are small, are in fair repair, clean and neat; time tables are posted in the waiting rooms; water for drinking is provided, and all are furnished with fire protection. Station employees are uniformed. The station grounds are fairly maintained.

The passenger cars are in very good condition all equipped with automatic couplers and air brakes, are heated by steam and lighted with oil lamps; drinking water is provided and emergency tools are in nearly all cases located in the center of the cars. Box steps are carried on the trains, for use at stations having low platforms and at flag stops where there are no platforms. All passenger trainmen are uniformed. The freight cars are in fair repair, have automatic couplers, and are practically all equipped with air brakes. The box cars have ladders on the ends and grab irons on the sides. The running boards are suitably maintained. No restaurants are maintained or dining cars operated.

The condition of the property generally has been improved since the last inspection. About 30 per cent. of cross-ties on the Newburgh, Dutchess and Connecticut Railroad have been renewed and 25 per cent. of those on the other lines. Sixty-two hundredths miles of 80-pound rail has been laid on main line, replacing worn 70-pound rail. About thirty miles of main line track have been rebalasted with gravel; two miles of the Rhinecliff branch with gravel and cinders; four miles of the Hopewell branch with cinders, and three miles of the Newburgh, Dutchess and Connecticut Railroad with gravel. Two new iron bridges have been put in replacing timber trestles, and one iron bridge replacing a light iron bridge. Pin-connected iron bridges Nos. 98B, 104A, 106A, 106B, and 107A, have had additional members put in as described in above report—the idea being to strengthen the bridges; it is doubtful, however, if that object has been accomplished. The Poughkeepsie River bridge is being practically rebuilt. Temporary bents have been placed under four light iron bridges and two Howe truss bridges, pending renewal of those structures. Six iron bridges have been repainted. Seventeen timber trestles have been entirely rebuilt, and repairs made to several others. One hundred and fifty feet of trestle No. 104 have been filled. In the construction of a new yard at Highland there have been put in five small trestle bridges in sidings. Eighteen open culverts and cattle passes have been rebuilt, the floors to many others repaired, and two have been replaced with iron pipe and filling. Seven iron bridges have had new floors put on. Three new overhead bridges have been constructed and necessary repairs made to others. The masonry to five bridges has been entirely rebuilt, and to thirteen others repaired, re-pointed and grouted. About fifteen miles of new woven wire fence have been built and about eight miles repaired. In addition to the above repairs to bridges, trestles, culverts, etc., there have been several new floors put on and general repairs made to those structures of the Newburgh, Dutchess and Connecticut Railroad not included in the above. A new flagman's cabin has been erected at Boston Corners; addition built to Copake freight house; new coal house at Silvernails; new pump house and gasoline pump put in at Standfordville; extensive repairs made to Standfordville water tank; a new signal tower erected at Poughkeepsie Junction and a sixteen-lever machine installed; a new lamp cabin and car inspector's cabin at Poughkeepsie; a telegraph operator's cabin at Highland Cut; a new 56,000 gallon water tank at Highland; a new pump house erected at Highland; an operator's cabin at Berea; new station platforms have been built at Silvernails, Hibernia, Salt Point, Poughkeepsie, Lord, and East Walden passenger stations, and new freight houses at Silvernails, Hibernia, Poughkeepsie, and East Walden, and the East Walden station repainted. Extensive repairs have been made to six creameries which are owned by the company. At Maybrook, very extensive improvements have been made. A large office building has been erected, ten cottages for employees, and a boarding house; two 50,000 gallon water tanks erected; a new coal trestle built; two operator's cabins, crossing watchman's cabin, two lamp cabins, car repairers' building, new passenger station, new freight house and hay barn erected. There have also been put in at this place about 15,000 feet of additional yard tracks. The Highland yard has been enlarged and about a mile and three-quarters of track added. Various other yards have had smaller additions of tracks, and passing track west of Poughkeepsie bridge have been generally extended from 1,000 to 2,500 feet. On the Rhinecliff branch new roofs have been put on stations at Elizaville, Red Hook, and

Cokertown and necessary repairs have been made to other station buildings. On the Hopewell branch there have also been additions made to passing and other tracks; a new operator's cabin has been built at Briggs station; crossing bells put in at two highway crossings, and the interlocking plant at Hopewell entirely rebuilt.

Recommendations.

That the ditches be cleaned where necessary; that pin-connected bridges Nos. 98B, 104A, 106B, and 107A, have bents at once placed under sufficient panel points to render them secure until such time as the bridges can be replaced or strengthened in a proper manner, by increasing the size of the members instead of attempting—as has been done—to strengthen the bridges by putting in additional members that cannot be kept in such adjustment as to accomplish the purpose for which they were intended; that the two trusted stringers bridges mentioned in this report either have bents put under them or be replaced; that necessary repairs and renewals be made to culvert and cattle pass masonry; that the stands to all derailing switches be supplied with targets; that the siding connecting with the main track of the Newburgh, Dutchess and Connecticut Railroad inside the derailing switch at the crossing of the Newburgh, Dutchess and Connecticut Railroad and the Hopewell branch be properly connected with the tower and a derailing switch put in; that cattle guards with proper guard fences be maintained at each boundary of all the highways crossed at grade; that necessary repainting of crossing signs be done, and that warning signals at overhead obstructions be promptly repaired.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied that "the repairs and renewals to steel bridges and masonry suggested by your inspector is now in the hand of our engineering department who are arranging for the same. The minor work suggested, such as renewing tell-tales, replacing stub switches with split switches, protecting highway crossings with cattle guards and wire fences, etc., and the repainting of crossing signs is in progress." "Bridges 1, 3, and 16 are to be replaced by steam girders. Bridge No. 9, which is a steel bridge is to be strengthened." (No. 4—1906.)

CONNECTING TERMINAL RAILROAD.

(Inspected November 13, 1906.)

On November 13, 1906, I made an inspection of the Connecting Terminal Railroad, and respectfully submit the following report:

The Connecting Terminal Railroad consists of a series of switching tracks in and about the grain elevator and freight warehouses owned by the Connecting Terminal Railroad Company on what is known as the "Island," in Buffalo. The main switching tracks comprise about one mile of road, and there are approximately two miles of branches, side tracks, etc. The tracks connect with a track of the Western New York and Pennsylvania Railway, operated by the Pennsylvania Railroad Company.

There are no bridges, trestles or other openings in the roadway. The ties are in fair condition. The tracks are laid with various weights and patterns of rail, some connected by angle and other by fish plates. The rail and connections are in fair condition and the tracks suitable for the purposes for which they are used—simply handling cars to and from the Pennsylvania track to the elevator and warehouses. The company owns no motive power or cars, and the switching is done principally by the Buffalo Creek Railroad, although cars are handled there by the various roads which operate over the Western New York and Pennsylvania tracks, at the place where the switches connect.

A copy of this report was sent to the company. (No. 28—1906.)

CRANBERRY LAKE RAILROAD.

(Inspected July 2, 1906.)

On July 2, 1906, I made an inspection of the Cranberry Lake Railroad, and respectfully submit the following report:

The Cranberry Lake Railroad is a single-track line, connecting with the Carthage and Adirondack line of the New York Central and Hudson River Railroad at Benson Mines and extending to Wanakena on Cranberry Lake, a distance of six miles. The road is used principally for lumbering purposes, and has approximately ten miles of branch tracks extending into the forests for hauling logs to the mills located at Wanakena.

The road is considerably crooked, and grades steep and somewhat irregular. The maximum curves are 10 to 12 degrees; the maximum grade is about 100 feet per mile. The cuts and embankments are all light, there being no heavy grading done; many of the cuts are too narrow to admit of proper ditching; the embankments are also weak and need reinforcing. Ditches in cuts are generally lacking.

There are no bridges in the roadway of the main line. At Wanakena there are three spans of pony truss bridge, about 40 feet each, crossing the Oswegatchie river to the mill. The bridge is in good condition and is on concrete masonry. There is one trestle, about 800 feet in length and about 20 feet in height, in the roadway of the main line; it is constructed of hewn timber, and while as yet in fair condition, it will need renewal or filling in about another year, as it is constructed of spruce and other short-lived timber that decays soon. The streams are crossed on pile or framed-bent trestle structures, and all open culverts are constructed entirely of timber. No large streams are crossed, and these trestles are in fair repair. Two of them on the day of inspection lacked guard timbers and the ties were becoming bunched. The attention of the superintendent of the railroad was directed to this, and guard timbers were put on the following day. The large trestle has inside guard-rails. There are no arch or stone box culverts. Cement pipe is used for conveying small streams through the embankments; these pipes are apparently in fair condition.

The cross-ties are of mixed hemlock, tamarack, beach and other hardwood timbers; they are 6 inches in thickness, from 6 to 8 inch face, and 8 feet in length; they are somewhat irregularly spaced, the number to a 30-foot rail varying from 12 to 16. While the ties have only been in track from three to four years, many of them are decaying and extensive renewals are now being made. All ties are full spiked.

The main track is laid with 60-pound steel rail, somewhat worn but in fair condition for the traffic and slow speed maintained. The rails are connected by angle plates 24 inches in length with four bolts. Quite a number of bolts were observed to be missing and others needing tightening.

The main track switches are split point and have rigid stands, some of which lack targets. The frogs are rigid. There are no sidings upon which cars are left standing, where the grade descends toward the main track, so as to make derailing switches necessary. No switch lamps are used, as no night trains are operated.

The track is ballasted very lightly with sand and gravel. Some additional ballasting has been done since the last inspection (August, 1904) and ballast is now distributed in places, ready to go in track.

The alignment and surfacing of the track are rather poor, and the elevation of the outer rail on curves irregular. The speed of trains, however, is limited to twelve miles per hour, and the track, while not in good condition, is safe for that rate of speed.

The road runs through the forest for practically its entire length, and while all trees and brush along the track have been cut, there still remain considerable old logs, brush and refuse material. No fences are maintained, or apparently necessary.

There is but one highway grade crossing; that is properly graded and the planking in good condition; it is protected by a sign of the diamond form.

The section force employed consists of a foreman and fourteen laborers, who are furnished with means for protecting their work.

The company maintains no station buildings; at Benson Mines it uses the station of the New York Central and Hudson River Railroad Company and at Wanakena a store belonging to the lumber company.

The equipment consists of 3 locomotives, 2 of which are geared for operating on the steep grades and rough track of the sidings where logs are transported, 1 combination care, 1 coach, 20 flat cars and 27 log cars. All are equipped with automatic couplers and air brakes. The passenger cars have water for drinking and emergency tools properly located; they are heated by stoves and lighted with oil lamps. The passenger trainmen wear uniform.

Recommendations.

That the cuts and embankments be widened where necessary and proper ditches be made; that the decayed cross-ties be promptly renewed; that the loose track bolts be made tight and the missing ones replaced; that additional ballasting be done so that the track may be kept in proper alignment and surface, and that all switch stands be equipped with targets.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that the work recommended was under progress and would all be done as recommended. (No. 8—1906.)

DELAWARE AND HUDSON COMPANY.

(Inspected June 4, 5, 6, 7, 11, 12 and 13, 1906.)

On June 4, 5, 6, 7, 11, 12 and 13, 1906, I made an inspection of the railroads in this State operated by The Delaware and Hudson Company, and respectfully submit the following report:

The Delaware and Hudson Company operates in the State of New York the following named lines of steam railroad: Main line, Albany and Susquehanna Railroad, from Binghamton to Albany, 142.59 miles, with 95.96 miles of second main track and 119.3 miles of sidings and yard tracks. The Lackawanna and Susquehanna, from the Pennsylvania State line near Windsor to Nineveh Junction, 17.65 miles, with 4.10 miles of second main track and approximately 10 miles of sidings and yard tracks. Cooperstown and Charlotte Valley branch, from Cooperstown to Cooperstown Junction, 16.34 miles, single track, and 4.35 miles of sidings and yard tracks; the remaining portion of this road—from Davenport Junction to Davenport Center, 7.65 miles—is not operated. Cherry Valley, Sharon and Albany branch, from Cobleskill Junction to Cherry Valley, 21.04 miles, single track, with 3.65 miles of sidings and yard tracks. Schenectady and Duaneburgh branch, from Schenectady to Duaneburgh Junction, 13.79 miles, single track, with 6.31 miles of sidings and yard tracks. Schenectady and Mechanicville branch, from East Glenville to Coons, 9.93 miles,—of which 2.91 miles are double track, and for the remainder of the distance a single track of the Boston and Maine Railroad, which is alongside, is operated as a second main track, both tracks being used jointly by the two railroads; there are on this branch 1.89 miles of sidings and yard tracks. Rensselaer and Saratoga, main line, from Albany to Lake Champlain, 79.14 miles, with 72.01 miles of second main track, and 70.90 miles of sidings and yard tracks. West Troy and Green Island, and Troy branches; the West Troy and Green Island extending from Watervliet Junction to Green Island, 1.08 miles, and having 1.06 miles of second main track; the Troy branch from Troy to Watervliet Junction, 5.59 miles, with 0.43 miles of second main track and about 11 miles of sidings and yard tracks. Saratoga and Schenectady branch, from Schenectady to Ballston, 14.97 miles, with 4.06 miles of second main track and 14.39 miles of sidings and yard tracks. Glens Falls branch, from Fort Edward to Caldwell, 15.12 miles, single track, with 15.15 miles of siding and yard tracks. Saratoga and White-

ball branch, from Whitehall to the Vermont State line, 6.63 miles, single track, with about 3 miles of sidings and yard tracks. Rutland and Washington, from Eagle Bridge, on the line of the Boston and Maine Railroad, to Rutland, Vermont; this line of road crosses into the State of Vermont in various places; the distance in the State of New York is 32.62 miles, single track, with approximately 10 miles of sidings and yard tracks. New York and Canada Railroad, from Whitehall to Rouses Point, 112.93 miles, with 4.5 miles of second main track and 46.3 miles of sidings and yard tracks. Lake George branch, from Fort Ticonderoga to Baldwin, 4.91 miles, with branch extending from Delano Junction to Ticonderoga, 1.41 miles, all single track, with 2.74 miles of sidings and yard tracks. Whitehall and Plattsburgh branch, from South Junction to Ausable Forks, 19.05 miles, single track, with 4.96 miles of sidings and yard tracks. Montreal and Plattsburgh Railroad, from Chazy Junction to Canada line, 12.78 miles, single track, with 2.05 miles of sidings and yard tracks. Chateaugay Railroad, from Bluff Point to Lake Placid, 82.94 miles, single track, with 40.22 miles of sidings and yard tracks. Adirondack Railway, from Saratoga to North Creek, 56.97 miles, single track, with 8.41 miles of sidings and yard tracks. Warrensburg branch; this line, recently constructed, is used only for freight; it connects with the main line of the Adirondack Railroad at Thurman and extends to Warrensburg, 3.4 miles, and has approximately one mile of sidings and yard tracks.

Roadbed.

The cuts and embankments of all the lines are generally of full width and proper slopes, and ditches generally in good condition. One clay cut on the Lackawanna and Susquehanna has ditches filled, requiring cleaning. On the Cherry Valley, Sharon and Albany branch a few clay cuts are narrow and have slopes sliding and ditches partially filled. On the Glens Falls branch some cuts are narrow and the slopes are upheld by cobblestone retaining wall; they are, however, apparently secure. On the Adirondack Railroad a few narrow cuts were observed, and several weak embankments; the condition, however, has been very much improved.

There is a tunnel on the Albany and Susquehanna Railroad, located about 16 miles east of Binghamton; its length is about 2,400 feet; the bench walls are of stone and the arch of brick. There is another of similar construction on the Rensselaer and Saratoga at Whitehall, 750 feet in length. On the New York and Canada Railroad there are three tunnels through natural rock, one at Ticonderoga 360 feet in length, one at Port Henry 833 feet in length and one at Willsborough 620 feet in length. All the tunnels are in apparently secure condition.

Bridges, trestles, open culverts and cattle passes, arch and box culverts and iron pipe drains.

The steel and iron bridges are in good condition and with very few exceptions well painted; all have standard floors, well maintained. Inside guard-rails are only maintained on the long bridges of the Chateaugay Railroad. There are no wooden bridges excepting those used for carrying highways over the railroad. They are generally in good condition and necessary renewals and repairs arranged for. A few timber trestles yet remain in the roadway of some of the less important branches; none in the roadway of the other lines except a temporary trestle on the Rensselaer and Saratoga at Waterford where the barge canal is being constructed, and this is to be replaced with an iron bridge as soon as excavating for the canal reaches a point that it can be. The only other trestle structures are in the roadway of the Cooperstown and Charlotte Valley branch; Cherry Valley, Sharon and Albany branch; temporary ones on the Schenectady and Duaneburgh branch where improvements are being made at Schenectady, and three spans at each end of two bridges on the Montreal and Plattsburgh Railroad. All the trestles are of standard construction and in proper repair.

The open culverts and cattle passes have I-beam or rail stringers and all have standard floors, in good repair. A few timber stringers yet remain on

the Cooperstown and Charlotte Valley branch, the Cherry Valley, Sharon and Albany branch, the Rutland and Washington and the Montreal and Plattsburgh Railroad.

The masonry to bridges, open culverts, cattle passes, and arch and box culverts is generally in from good to first-class condition. Bridge No. 3½ on the Schenectady and Mechanicville branch has one bad abutment and the bridge is supported on bents pending renewal of the masonry. Bridge No. 29 on the Saratoga and Schenectady branch is supported on bents on account of poor masonry. Bridge No. 58 on the New York and Canada line at Plattsburgh is also supported on bents pending renewal of an abutment. Bridges Nos. 67 and 68 on the Montreal and Plattsburgh Railroad are supported on bents on account of very poor masonry; in fact, nearly all the masonry to bridges, open culverts and cattle passes of that road is very poor, and in most cases bents are placed in front of the abutments to support the girders, I-beams or rails carrying the floors. Some other small structures were noted where masonry is showing evidence of failure. All such were called to the attention of the officials of the railroad who accompanied your inspector, and in practically all cases information was obtained that arrangements for rebuilding or repairing had already been made and all others would be given prompt and proper attention.

The iron pipe drains are in good condition.

Track.

The standard cross-ties are 7 x 9 inches, 8½ feet in length, and on all the lines are laid at the rate of 2,816 to the mile of track. On the Chateaugay Railroad they are all yellow pine, on practically all the other lines from 50 to 75 per cent. yellow pine and the remainder mixed oak and chestnut, except on the Lake George branch, the Whitehall and Plattsburgh branch and the Montreal and Plattsburgh Railroad, on which roads approximately 20 per cent. of cedar is used; there is also 10 per cent. of cedar used on the Adirondack Railway. The ties are in good condition, necessary renewals having been or being made.

All main tracks are laid with steel rail. On the Albany and Susquehanna Railroad 19.03 miles are laid with 90-pound and the remainder, 219.52 miles, with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The 90-pound rail is new; the 80-pound rail is generally in good condition; on the westerly end of the road it is somewhat worn and is to be replaced with new 90-pound rail in the near future. The Lackawanna and Susquehanna is laid entirely with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in proper condition. The Cooperstown and Charlotte Valley branch is laid entirely with 62-pound rail, connected by angle plates 22 inches in length with four bolts. The rail is considerably worn, and some loose bolts in connections were observed. The Cherry Valley, Sharon and Albany branch has 13.84 miles laid with 80-pound, 7 miles with 67-pound, and the remainder, 0.20 miles, with 62-pound rail. The 80-pound rails are connected by angle plates 30 inches in length with six bolts, the 67 and 62-pound rails by angle plates 24 inches in length with four bolts. The 67 and 62-pound rail is considerably worn, and in the connections of those rails some loose bolts were observed; the 80-pound rail is in very good condition. The Schenectady and Duaneburgh branch is laid entirely with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in first-class condition. The Schenectady and Mechanicville branch is laid entirely with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in proper condition. The Rensselaer and Saratoga is laid with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in proper condition. The tracks of the West Troy and Green Island and Troy branches are laid with 80-pound rail, connected by 30-inch angle plates with six bolts. The rail and connections are in very fair condition. The Saratoga and Schenectady branch is laid entirely with 80-pound rail, connected by angle plates 30 inches in

length with six bolts. The rail and connections are in good condition and renewals being made as necessary. The Glens Falls branch has 14.02 miles laid with 67-pound rail, connected by angle plates 24 inches in length with four bolts, and 0.50 miles with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in very fair condition. The Saratoga and Whitehall branch is laid entirely with 67-pound rail, connected by angle plates 24 inches in length with four bolts. The rail and connections are in very fair condition. The Rutland and Washington is laid entirely with 62-pound rail, connected by angle plates 19 inches in length and fish plates 20 inches in length with four bolts. The rail is very much worn and much of it should be replaced; many of the bolts in the connections are loose and cannot be kept tight owing to worn condition of rail and angle plates. The New York and Canada Railroad is laid entirely with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in good condition. The Lake George branch has 5.57 miles of track laid with 62-pound rail, and 0.75 miles with 67-pound rail, all connected by angle plates 24 inches in length with four bolts. Considerable of the rail on this line is somewhat worn, and some loose track bolts were observed. The Whitehall and Plattsburgh branch has 5.75 miles of track laid with 67-pound rail, connected by angle plates 24 inches in length with four bolts, and 13.30 miles with 62-pound rail, connected by angle and fish plates 24 inches in length with four bolts. The rail is somewhat worn, but is in fair condition for the light traffic. A few loose track bolts were observed. The Montreal and Plattsburgh Railroad is laid entirely with 62-pound rail, connected by angle and fish plates 22 inches in length with four bolts. The rail is considerably worn, and many track bolts are loose. The Chateaugay Railroad is laid entirely with 80-pound rail, connected by angle plates 30 inches in length with six bolts. The rail and connections are in first-class condition. The Adirondack Railway is laid with 67-pound rail, connected by angle plates 24 inches in length with four bolts. Some of the rail is considerably worn and should be replaced in the near future. The Warrensburg branch is laid entirely with new 80-pound rail, connected by angle plates 30 inches in length with six bolts, and is in first-class condition.

All main track switches of the important lines are split point and have automatic stands, with targets well painted; a few stub switches yet remain on the Whitehall and Plattsburgh branch and the Montreal and Plattsburgh Railroad. Spring rail frogs are used in nearly all main track switches excepting in large yards and a few in some of the less important branch lines. Derailing switches are in all sidings connecting with the main track, upon which cars are left standing, where the grade descends toward the main track. A few are interlocked with the main track switch stand; the others have stands connecting directly with the derail, and many of the stands are devoid of targets.

The Albany and Susquehanna Railroad is ballasted with gravel and cinders in fair quantity; the Lackawanna and Susquehanna mainly with cinders in good quantity; the Cooperstown and Charlotte Valley branch with gravel and cinders in medium quantity—the ballasting on this line has been somewhat improved; the Cherry Valley, Sharon and Albany branch with broken stone, gravel and cinders in light quantity; the Schenectady and Duaneburg branch with gravel and cinders in good quantity; the Schenectady and Mechanicville branch with gravel and cinders in good quantity; the Rensselaer and Saratoga is generally well ballasted with gravel, cinders and broken stone, and the ballasting with broken stone is being continued; the West-Troy and Green Island, and Troy branches are ballasted with gravel and cinders in fair quantity; the Saratoga and Schenectady branch, Glens Falls branch, Saratoga and Whitehall branch, and the Rutland and Washington with gravel and cinders in fair quantity; the New York and Canada Railroad with gravel, cinders and broken stone, generally in good quantity; the Lake George branch lightly with gravel and cinders; the Whitehall and Plattsburgh branch with gravel, sand and cinders in fair quantity; the Montreal and Plattsburgh Railroad lightly with gravel and cinders; the Chateaugay Railroad is well ballasted with gravel, sand and iron ore screenings; the Adirondack Railway with

gravel, sand and cinders, generally in fair quantity, and the Warrensburg branch with gravel and sand in good quantity.

The alignment and surfacing of the main lines are first-class and all the side lines very fair; the outer rail on all curves is properly elevated for the speed at which the trains are scheduled.

The track sections where there is double track are about four miles in length, and single track from five to six miles, and the section force varies from a foreman and four laborers to a foreman and six laborers, according to local conditions. Regular track walkers are only maintained where traffic is very heavy and local conditions require it; all other parts of the various lines are patrolled daily by members of the section force. Watchmen are maintained at places on the various lines where danger may be anticipated from slides or falling rock; watchmen are very plentiful along the line of the New York and Canada Railroad where the road runs along the face of the bluffs on the shore of Lake Champlain; those nearly perpendicular slopes are carefully watched and frequently gone over, and all loose rock or any that may appear dangerous removed.

Grades and Curves.

The Albany and Susquehanna Railroad crosses several summits and has many long grades, some of them pretty steep; the maximum is about 78 feet per mile. Curves on such of the line are frequent, but not generally sharp; the maximum is 5 degrees. The grades of the Lackawanna and Susquehanna are very light, the maximum being 16 feet per mile. The curves are generally light—maximum, 6 degrees. The grades of the Cooperstown and Charlotte Valley branch are fairly steep; most curves are light. The maximum grade of the Cherry Valley, Sharon and Albany branch is 122 feet per mile; the maximum curve, 6 degrees. The maximum grade of the Schenectady and Duaneburgh branch is 66 feet per mile, and maximum curve, 7 degrees. The maximum grade of the Schenectady and Mechanicville branch is 35 feet per mile; maximum curve, 4 degrees. The maximum grade of the Rensselaer and Saratoga is 63 feet per mile. The curves are generally light; there is, however, one in Ballston of 9 degrees. The maximum grade of the West Troy and Green Island, and Troy branches is 45 feet per mile; the maximum curve 9 degrees; most curves are light. The maximum grade of the Saratoga and Schenectady branch is 16 feet per mile, maximum curve, 7 degrees. The grades of the Glens Falls branch are very steep and curves frequent and sharp; the maximum grade is 124 feet per mile and the maximum curve, 15 degrees. On the Saratoga and Whitehall branch the maximum grade is 59 feet per mile; the maximum curve, 4 degrees. On the Rutland and Washington the maximum grade is 71 feet per mile; maximum curve, 4 degrees. The maximum grade of the New York and Canada Railroad is 43 feet per mile; the curves along Lake Champlain are frequent and sharp, with a maximum of 7 degrees and 15 minutes. The Lake George branch is very steep; the maximum grade is 108 feet per mile. The curves are sharp,—maximum, 10 degrees. The maximum grade of the Whitehall and Plattsburgh branch is 109 feet per mile; the maximum curve, 10 degrees. The maximum grade of the Montreal and Plattsburgh Railroad is 49 feet per mile. Curves are very light and infrequent; maximum, 2 degrees. The Chateaugay Railroad has long, steep grades; the maximum is 168 feet per mile. The curves are sharp and frequent; the maximum is 10 degrees. The maximum grade of the Adirondack Railway is 98 feet per mile; the maximum curve, 8 degrees. The grades of the important lines are regular; on the less important branch lines they are somewhat broken. The curves of the main lines are generally light.

Grade Crossings of Other Railroads.

The Albany and Susquehanna Railroad crosses at grade two tracks of the United Traction Company (electric) on Broadway, Albany—the crossing is protected by a flagman; two tracks of the West Shore Railroad at Voorhees-

ville—the crossing is protected by gates and all trains are required to come to a full stop; one track of the New York, Ontario and Western Railway at Sidney—the crossing is protected by an interlocking plant; two tracks of The Delaware, Lackawanna and Western Railroad at Binghamton—the crossing is protected by an interlocking plant; one track of the Binghamton Railway (electric) on Robinson street, Binghamton—the conductors of the electric road are required to pilot their cars across the track of the steam road. The Cooperstown and Charlotte Valley branch crosses at grade the single track of the Oneonta, Cooperstown and Richfield Springs Railway (electric) at Cooperstown; there are derailing switches in the track of the electric road, to close which the conductors of the electric cars have to cross the track of the steam railroad. The Schenectady and Duanesburgh branch crosses at grade three tracks of the West Shore Railroad at South Schenectady—the crossing is protected by an interlocking plant; one track of the Schenectady Railway (electric) at Schenectady—the conductors of the electric railroad are required to pilot their cars across the track of the steam railroad. The Rensselaer and Saratoga crosses at grade one freight siding of the New York Central and Hudson River Railroad at Albany—the crossing is protected by an interlocking plant; one track of the United Traction Company operated by horse cars only on North Ferry street, Albany—the crossing is protected by a flagman; two tracks of the Schenectady Railway at Nineteenth street, Watervliet—the crossing is protected by an interlocking plant; one track of the United Traction Company (electric) on Main street, one on Mohawk street, and one on Ontario street, Cohoes—the crossing is protected by a flagman in each case; one track of the Hudson Valley Railway (electric) on Park avenue, Mechanicville—the crossing is protected by a flagman; one track of the Boston and Maine Railroad at Mechanicville—the crossing is protected by an interlocking plant; one track of the Hudson Valley Railway at Fort Edward—the crossing is protected by a flagman. The Troy branch crosses at grade one track of the Hudson Valley Railway at Waterford—the crossing is protected by an interlocking plant; two tracks of the United Traction Company at Broad street, Waterford—the crossing is protected by a flagman; one track of the United Traction Company on Ontario street, Cohoes—the crossing is protected by a flagman; one track of the United Traction Company on Tibbitts avenue, Green Island—the crossing is protected by a flagman. The Saratoga and Schenectady branch crosses at grade one track of the New York Central and Hudson River Railroad at Schenectady—the crossing is protected by a ball signal and all trains are required to come to a full stop. The Glens Falls branch crosses at grade one track of the Hudson Valley Railway at Glens Falls—the crossing is protected by a flagman. The New York and Canada Railroad crosses at grade one track of the Plattsburgh Traction Company's Railroad (electric) near Cliff Haven—the conductors of the electric railroad are required to pilot their cars across the track of the steam railroad; one track of the Rutland Railroad at Rouses Point—the crossing is protected by a ball signal and all trains are required to come to a full stop. The Montreal and Plattsburgh Railroad crosses at grade three tracks of the Rutland Railroad at Mooer's Junction—the crossing is protected by a ball signal and all trains are required to come to a full stop before crossing.

Interlocking.

Interlocking plants are maintained at the following named places: On the Albany and Susquehanna Railroad at Kenwood Junction, governing the junction with the West Shore and movements of trains at the southerly end of Albany yard; at Delanson Junction, governing the connection of the Schenectady and Duanesburgh branch and the easterly end of Delanson yard; at the east end of Oneonta yard at Fonda avenue, Oneonta; at Sidney, governing the crossing of the New York, Ontario and Western Railway; at Binghamton, governing the crossing of the Delaware, Lackawanna and Western Railroad; on the Schenectady and Duanesburgh branch at South Schenectady, governing the crossing of the West Shore Railroad; on the Schenectady and Mechanicville branch at Crescent, governing the connection with the Boston and Maine

Railroad; on the Rensselaer and Saratoga at Albany, governing the crossing of the New York Central and Hudson River freight track; at Watervliet, governing the crossing of the Schenectady Railway; at Watervliet Junction, governing the connection with the Troy branch; at West Waterford Junction, governing the connection with the West Troy and Green Island branch; at the south end of Schenectady yard, governing the yard crossing of the Boston Maine Railroad; at the north end of Mechanicville yard, governing the connection with the Boston and Maine Railroad; at High street, Ballston, governing the connection with the Saratoga and Schenectady branch; on the West Troy and Green Island branch at Waterford, governing the crossing of the Hudson Valley Railway (electric); on the Saratoga and Schenectady branch at Glenville, governing the connection with the Schenectady and Mechanicville branch; on the New York and Canada Railroad at South Bay, at Ticonderoga and at Coopersville, protecting drawbridges; and at Bluff Point, governing the connection with the Chateaugay Railway.

Right of Way.

The right of way is generally free from trees, brush and rubbish; there yet remain on the Chateaugay Railroad, which runs for the greater portion of its distance, through the forest, some brush and fallen timber, which are, however, being cleared up as rapidly as possible; on various other lines some small brush, principally willows, has been left for protection of slopes.

The fences are mainly of wire. On the Whitehall and Plattsburgh branch and the Montreal and Plattsburgh Railroad there yet remains some rail fence, and there is a small amount of board fence and stone wall on many of the lines. The condition of fences has been considerably improved, but on practically all lines additional repairs and renewals are needed.

Highway Crossings.

All highway grade crossings are well graded and the planking properly maintained. The crossing signs, practically all of the diamond form, are properly located and well painted.

Cattle guards are not maintained. The whistle posts are apparently properly located, and mile posts are also maintained.

Bridges for overgrade crossings and all other overhead obstructions less than 21 feet above the track are protected by warning signals; those signals are, however, generally out of repair and need attention.

On the Albany and Susquehanna Railroad 31 highway crossings are protected by flagmen, 6 by flagmen and gates, and 3 by electric bells; on the Lackawanna and Susquehanna, 2 by electric bells; on the Rensselaer and Saratoga, 38 by flagmen, 32 by flagmen and gates, and 19 by electric bells; on the West Troy and Green Island and the Troy branches, 2 by flagmen, 3 by flagmen and gates, and 1 by an electric bell, on the Saratoga and Schenectady branch, 3 by flagmen; on the Glens Falls branch, 4 by flagmen, 1 by flagman and gates, and 3 by electric bells; on the Rutland and Washington, 2 by flagmen, 1 by flagman and gates; on the New York and Canada Railroad, 1 by flagman and gates, and 5 by electric bells; on the Lake George branch, 2 by electric bells; and on the Adirondack Railway, 5 by flagmen and 1 by flagman and gates.

Block System.

The movements of trains on the Albany and Susquehanna Railroad between Binghamton and Ninevah are governed by automatic electric block signals; on the balance of the line by the telegraphic train order system, trains being spaced at stations. The automatic electric block signal system is to be extended as rapidly as possible, and erection is already well under way between Albany and Delanson. On the Lackawanna and Susquehanna the movements are governed by the automatic electric block system; on the Cooperstown and Charlotte Valley branch and the Cherry Valley, Sharon and Albany branch by the telegraphic train order system; on the Schenectady and Duaneburgh

and the Schenectady and Mechanicville branches by automatic electric block signals; on the Rensselaer and Saratoga by automatic electric block signals between Albany and Saratoga, and by the telegraphic train order system on the balance of the line—the automatic electric block signal system is being extended to cover the entire line; on the West Troy and Green Island and Troy branches by automatic electric block signals; on the Saratoga and Schenectady branch by automatic electric block signals from Mohawk to Glenville, and by the telegraphic train order system on the balance of the line; on the Glens Falls branch, the Saratoga and Whitehall branch, and the Rutland and Washington, by the telegraphic train order system; on the New York and Canada Railroad, by the automatic electric block signal system between Port Henry and Plattsburgh and by the telegraphic train order system on the balance of the line—the automatic electric block signal system is being extended as rapidly as possible to cover this entire line; on the Lake George branch, the Whitehall and Plattsburgh branch, the Montreal and Plattsburgh Railroad, the Chateaugay Railroad, and the Adirondack Railway, by the telegraphic train order system.

Stations.

The station buildings are generally in good condition, clean and neat; a few of them are old, but are in fair repair. Several new ones have been constructed, and repairs and improvements made to the old ones. Water for drinking is furnished and time tables are posted in the waiting-rooms. Water in pails or barrels is kept for fire protection. Each station bears upon its front a sign giving its name. The station grounds and yards are generally clean and at a few of the more important stations there are lawns maintained. The station platforms are generally of plank and gravel and in good repair. All station employees are uniformed and wear a badge indicating their employment.

Equipment.

The passenger equipment is in first-class condition. The coaches are clean, are furnished with drinking water, and have emergency tools properly located in the center of the cars; emergency tools are also carried on mail, baggage and express cars. All the cars are equipped with automatic couplers and air brakes. Passenger trainmen are uniformed and wear a badge. The freight equipment is also in good condition; all cars are equipped with automatic couplers and practically all with air brakes. Box cars have ladders on the ends and grab-irons on the sides, well secured. The running boards on the top of the cars appear to be properly maintained.

The motive power is in good condition. On the locomotive where the engine-man's and fireman's cabs are separated, there is an emergency valve in the cab of the fireman and signal bells in the cabs of both the fireman and engineman, so that they can signal each other if necessary.

Restaurants are maintained in stations at Oneonta, Cobleskill, Saratoga and Plattsburgh.

Repairs and Improvements.

Among the numerous repairs and improvements made since the last inspection—June, 1904—the following principal ones were noted: About 50 per cent. of the cross-ties on the Cooperstown and Charlotte Valley branch have been renewed, and approximately 28 per cent. of those in the track of other lines. Nineteen and three-hundredths miles of new 90-pound rail have been laid on the Albany and Susquehanna Railroad, replacing worn 80-pound rail; 9 miles of relaying 80-pound rail on the Cherry Valley, Sharon and Albany branch, replacing worn 62-pound rail; 3.41 miles of new 80-pound rail on the Schenectady and Duanesburgh branch, replacing worn 80-pound rail; 32 miles of new 90-pound rail on the Rensselaer and Saratoga, replacing 80-pound rail; 5.4 miles of new 80-pound rail on the West Troy and Green Island and Troy branches, replacing worn 80-pound rail; 9 miles of 80-pound rail on the Saratoga and Schenectady branch, replacing 67-pound rail; 2 miles of 80-pound

rail on the New York and Canada Railroad, replacing worn 80-pound rail. Nineteen and three-hundredths miles of track of the Albany and Susquehanna Railroad have been rebalasted with cinders; 9 miles of the Cherry Valley, Sharon and Albany branch with cinders; 3.41 miles of the Schenectady and Duaneburgh branch with cinders; 24 miles of the Rensselaer and Saratoga with broken stone and 8 miles with gravel; 5.4 miles of the West Troy and Green Island and Troy branches with cinders; 9 miles of the Saratoga and Schenectady branch with gravel; 2 miles of the New York and Canada Railroad with gravel. Repairs have also been made to ballast on other portions of all the roads. On the Albany and Susquehanna Railroad, bridge No. 4, over the Normanskill, a light iron structure, has been replaced with a new steel structure; also bridge No. 22, half a mile east of Delanson, two spans of deck plate girder, has been replaced with a stronger structure. On the Lackawanna and Susquehanna a new deck plate girder has been put in, replacing a lighter bridge. On the Cooperstown and Charlotte Valley branch a Howe truss span 172 feet in length has been replaced by an iron bridge. On the Schenectady and Duaneburgh branch six new steel bridges have been put in in connection with the improvement being made at Schenectady, eliminating grade crossings. On the Schenectady and Mechanicville branch a new plate girder bridge has been put in at Ushers. On the Saratoga and Schenectady branch five new double track bridges have been put in — this also in connection with the raising of tracks and general improvements at Schenectady. On the Glens Falls branch, bridge No. 44 over the tracks has been rebuilt. On the New York and Canada Railroad a new bridge has been put in for two tracks near South Junction. In the construction of the Warrensburg branch of the Adirondack Railway, two single track spans of 168 feet and one of 103 feet, crossing the Hudson river at Thurman, have been put in, necessary repairs have been made to other bridges, and the metal work to seventy-eight has been repainted. On the Schenectady and Mechanicville branch, a new bridge on masonry has been put in, replacing a timber trestle. On the Saratoga and Schenectady branch, two open culverts have been rebuilt, and one on the Adirondack Railway. Necessary repairs have been made to bridge and other masonry, and entirely new masonry built at all the new spans. Much other masonry has been repaired, pointed, and considerably grouted. Necessary repairs and renewals have been made to bridge, trestle, open culvert, and cattle pass floors and inside guard-rails have been placed along spans of the Chateaugay Railroad. On the Albany and Susquehanna Railroad a new and extensive coaling plant has been put in at Delanson; the station at Central Bridge repaired and improved; Howe's Cave and freight house and Maryland station have been repaired; at Collier's the station has been repaired and new arcade built; a new station built at the junction with the Cooperstown branch; a new roundhouse at Oneonta, together with an extensive coaling plant; the stations at Otsego and Wells Bridge have been repaired; necessary repairs have been made to other buildings, and ninety have been repainted. On the Lackawanna and Susquehanna light repairs have been made to various stations. On the Cooperstown and Charlotte Valley branch light repairs have been made to stations and six have been repainted. On the Cherry Valley, Sharon and Albany branch, Cherry Valley and Sharon Springs stations have been repaired and eleven buildings have been repainted. On the Schenectady and Duaneburgh branch the station at Kelley's has been extensively repaired and six buildings have been repainted. On the Schenectady and Mechanicville branch light repairs have been made to station buildings and ten have been repainted. On the Rensselaer and Saratoga a new yard office has been built at North Albany; a new station at Main street, Cohoes; the Mechanicville station has been extensively repaired; a new station has been built at Blue Mill, the Saratoga station repaired, and fifty-three buildings repainted. On the West Troy and Green Island a new yard office has been built at Green Island, and addition to office building. On the Saratoga and Schenectady branch the yard office at Mohawk has been extensively repaired and five buildings repainted. On the Glens Falls branch a new station has been erected at Haskell avenue, Glens Falls, the Lake George station repaired, and seven

buildings repainted. On the Rutland and Washington, light repairs have been made to stations and eight have been repainted. On the New York and Canada Railroad a new station has been built at Wright's and Crown Point; freight house at Crown Point repaired; repairs have been made to stations at Whalonsburgh. Willsborough, Port Kent, West Chazy, Merves Junction, and Beekmantown and thirty-two buildings have been repainted. On the Lake George branch repairs have been made to the station at Baldwin's, and six buildings have been repainted. On the Whitehall and Plattsburgh branch repairs have been made to stations at Peru and Ausable Forks, and six buildings repainted. On the Montreal and Plattsburgh Railroad ten buildings have been repainted. On the Chateaugay Railroad the stations at Morrisville, Cadyville, Lyon Lake, and Bloomingdale have been repaired; a new freight house has been erected at Saranac Lake and a new engine house at Lake Placid, and twenty-six buildings have been repainted. On the Adirondack Railway light repairs have been made to stations, and eighteen buildings have been repainted. On the Albany and Susquehanna Railroad 9.1 miles of fence have been rebuilt; on the Cooperstown and Charlotte Valley branch 1.3 miles have been rebuilt; on the Schenectady and Duaneburgh branch 2 miles of fence have been rebuilt; on the Rensselaer and Saratoga 13 miles of fence have been rebuilt; on the Chateaugay Railroad 15 miles of new fence have been erected — a considerable portion of it on parts of the line where previously it was unfenced; on the Adirondack Railway 8 miles of fence have been rebuilt. In addition to this extensive repairs have been made to fences on all the roads. A new automatic electric block signal system has been established on the Albany and Susquehanna Railroad from Binghamton to Nineveh Junction. Electric block signals are being erected between Albany and Delanson, and are to be continued over the entire line between Albany and Binghamton. Electric block signals have also been put in on the Lackawanna and Susquehanna on the Schenectady and Duaneburgh branch, the Schenectady and Mechanicville branch, the Troy and Green Island and Troy branches, the New York and Canada Railroad between Port Henry and Plattsburgh, and are being extended over the entire main line between Albany and Rouses Point, and are also being put in on the Glens Falls branch. There have been added to the equipment 45 four-wheeled cabooses; 24 milk cars; 601 twin hopper gondolas; 100 platform cars; 7 baggage cars; 5 passenger and baggage cars combined; 3 baggage and mail cars combined; 1 dynamometer car; 20 passenger coaches; 3 cafe cars; 1 locomotive coaling train, and 30 locomotives. In addition to this, 30 locomotives, 3,000 coal cars and some other equipment have been arranged for. Dining or cafe cars are run in long distance trains.

Recommendations.

That the ditches in summit out of the Lackawanna and Susquehanna and the clay cuts of the Cherry Valley, Sharon and Albany branch be cleaned; that necessary repairs and renewals be made to masonry of bridge No. 3½, Schenectady and Mechanicville branch, No. 58, New York and Canada, main line, and to practically all bridges, open culverts and cattle passes of the Montreal and Plattsburgh Railroad, and inside guard-rails placed and maintained on all bridge and trestle structures; that necessary renewal of rail be made on the Cooperstown and Charlotte Valley branch, Cherry Valley, Sharon and Albany branch, Rutland and Washington Railroad, Montreal and Plattsburgh Railroad and the Adirondack Railway, and that all loose track bolts be made tight; that all stub switches be replaced with split point switches; that all stands of derailing switches be equipped with targets, when not interlocked with the main track stand; that the fences be put in proper repair; that cattle guards with guard fences be maintained at each boundary of all highways crossed at grade, and that the warning signals at overhead obstructions be promptly repaired.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The

company informed the Board that the recommendations would be complied with except as to removal of rails in the Cooperstown branch and in the Montreal and Plattsburgh railroad, also, as to split point switches, which matters are named in correspondence. (No. 6—1906.)

DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

(Inspected July 9, 10, 11, 12, 1906.)

On July 9, 10, 11 and 12, 1906, I inspected the portion of the Delaware, Lackawanna and Western Railroad in the State of New York, and respectfully submit the following report:

The Delaware, Lackawanna and Western Railroad Company operates in this State the following named lines of steam railroad: Main line, from the Pennsylvania State line near Halstead, Pennsylvania, to Buffalo, a distance of 214.73 miles; of this, 6.41 miles, near Waverly, are in the State of Pennsylvania, making the total distance in New York State 208.32 miles—all double track, with approximately 195 miles of sidings and yard tracks. Syracuse, Binghamton and New York division, from a connection with the main line at Binghamton to Syracuse, a distance of 79.47 miles, with 28.45 miles of second main track and approximately 51 miles of sidings and yard tracks. Oswego and Syracuse division, from the terminus of the Syracuse, Binghamton and New York division at Syracuse to Oswego, a distance of 34.98 miles, all single track, with about 25.5 miles of sidings and yard tracks. Cincinnatus branch (Erie and Central New York Railroad), from a connection with the main line of the Syracuse, Binghamton and New York division at Cortland Junction to Cincinnatus, a distance of 18.23 miles, single track, with about 1.4 miles of sidings and yard tracks. Utica division, from a connection with the Syracuse, Binghamton and New York division at Chenango Forks to Utica, a distance of 83.74 miles, and a branch line from Richfield Junction to Richfield Springs, a distance of 21.77 miles, all single track, with approximately 40.5 miles of sidings and yard tracks. Cayuga division, from a connection with the main line at Owego to Ithaca, a distance of 34.41 miles, single track, with approximately 7 miles of sidings and yard tracks.

Roadbed.

The cuts and embankments are generally of full width and natural earth slopes; a few cuts of the main line on the Dansville hill are through material of a quicksand nature and the slopes have been washed to some extent and in places are upheld by timber docking, some of which will require renewal before very long. On the Cincinnatus branch, while the cuts in many cases have been widened and the embankments reinforced, there still remain some cuts that are narrow and embankments where additional reinforcing is needed, and in a few of the cuts better ditches should be made. The roadway of all the lines is generally well drained. Sub-drains are used in the ditches of wet cuts, with very satisfactory results.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges are generally in good condition and well painted. Nearly all bridges of the main line and a large proportion of those on the branch lines have been replaced within the past few years with steel bridges of modern design, calculated to carry with proper factor of safety the heaviest motive power and rolling stock now in use. A few of the lighter bridges in and about Buffalo have not yet been renewed, but practically all of them are either now in process of renewal or arrangements are made for replacing them with strong structures as rapidly as the work can be accomplished. The drawbridge across a basin of the ship canal in Buffalo shows strongest symptoms of deterioration, and trains are only allowed to cross it at slow speed and on but one track at a time until it can be replaced.

Distant signals in either direction from the bridge, operated by the bridge-tender, govern the movements of all trains crossing it. The bridge over the Niagara Falls branch of the Erie Railroad on the branch track to Black Rock, which is only used for freight purposes, has had two of the main members injured by a wreck which occurred on the bridge, so that the strength of the bridge is greatly reduced. Arrangements are made to replace those members as promptly as possible; in the meantime trains only operate over it on one track. As the damaged members are in the center truss this method of operation will be safe until the injured members can be replaced. The bridge on this same branch over the Niagara Falls branch of the New York Central has members composing the bottom chord checked at the connecting points; those members have been secured by clamps to prevent additional checking until the bridge can be replaced, which replacing is arranged for. Trains operate carefully over this structure and the bridge is secure for the method operated until such renewal can be made. There yet remain on the branch lines a few bridges which are light for the heavier class of motive power and rolling stock, but they are all sufficient for the motive power and rolling stock used, and as fast as they can be replaced it is done with bridges designed for carrying any desired weight. The bridge ties and guard timbers are standard and kept in good repair. Inside guard-rails are maintained on all long spans and are to be put on all spans exceeding twenty feet. There are no wooden truss bridges remaining in the roadway of any of the lines, and many of the overhead highway bridges formerly of wood have been or are being replaced with iron bridges. They, together with the wooden bridges used for overhead highway farm crossings, are in good repair, and any, of them, as well as all other obstructions, less than twenty-one feet above the rail are protected by warning signals. The masonry, wherever bridges have been renewed, has been either rebuilt or thoroughly repaired, and is in good condition. Much concrete masonry is used, and is apparently very satisfactory. The only timber trestles remaining in the main line roadway are two framed bent structures near what is known as the Smith street crossing in Buffalo; those trestles are in good condition, are of standard construction, and are designed to be replaced with steel bridges so soon as the final disposition of what is known as the Smith street grade crossing of the Buffalo Creek, Pennsylvania and Nickel Plate railroads matter is made. The question of the elimination of this crossing is now under consideration. Nearly all the timber trestles of the Cincinnati branch have been filled or replaced, and plans are made for replacing or filling the remaining ones. Those remaining are in good, safe condition. The timber trestles of the Cayuga branch are of standard construction and in proper repair; several have been replaced with iron bridges and the others are to be replaced as rapidly as they require renewal. On the Utica branch there remain a few low pile trestle structures, which are in good repair. On the Syracuse, Binghamton and New York and the Oswego and Syracuse divisions there are no timber trestles remaining.

The open culverts and cattle passes on the main line have good masonry, I-beam stringers and standard ties and guard timbers, in good repair; many have had masonry rebuilt and covered with solid floor of rails and concrete, thereby eliminating the openings to grade. On the main line of the Utica division nearly all have good masonry and I-beam stringers; a few with pile or framed bents and rail stringers yet remain; all are in proper repair. On the Richfield Springs branch there remains considerable poor masonry and the stringers are supported on bents pending renewal of masonry; a few have timber or pile abutments and timber stringers, but in nearly all cases the stringers are of I-beams or rails. All are in safe condition, and renewals are being made. The ties and guard timbers are standard and well maintained. On the Syracuse, Binghamton and New York division nearly all have good masonry and I-beam or rail stringers with standard ties and guard timbers, in good repair; in a few cases the masonry is poor and is now being renewed. On the Cincinnati branch most open culverts and cattle passes have good abutments with rail or timber stringers; some I-beam stringers are used; quite a number of the wood abutments have been

replaced with concrete, and the timber stringers with I-beams. The floors are properly maintained. A few open culverts on this branch have been replaced with iron pipe and filling. On the Cayuga branch there remain a few open culverts and cattle passes with wood abutments; a large proportion of them, however, have been replaced with concrete masonry and I-beams, others have had masonry rebuilt and solid flooring of rails and concrete put on; a few rail stringers are still in use. The floors are well maintained. A great number of open culverts and cattle passes have been rebuilt or replaced since the last inspection was made—in July, 1904. All are in safe condition.

The arch and box culverts and iron pipe drains are generally in good condition; a few stone box culverts on the Cayuga branch are failing and some have been, and others are to be, replaced with iron pipe.

Track.

The standard cross-ties on all except the Cincinnatus branch are 7 x 9 inches, 8½ feet in length; on the Cincinnatus branch the ties are 6 x 8 inches, 8½ feet in length; on all the lines they are laid at the rate of 2,816 to the mile of track. On the main line 55 per cent. of the timber is yellow pine and 45 per cent. oak and chestnut, mainly oak; on the Utica division 30 per cent. yellow pine, 25 per cent. oak, and 45 per cent. chestnut; on the Syracuse, Binghamton and New York division 50 per cent. yellow pine, 15 per cent. oak, and 35 per cent. chestnut; on the Oswego and Syracuse division 50 per cent. yellow pine, 4 per cent. oak, and 46 per cent. chestnut; on the Cincinnatus branch 35 per cent. oak and 65 per cent. chestnut; on the Cayuga division 15 per cent. yellow pine, 15 per cent. oak, and 70 per cent. chestnut. The ties on all the lines are in very good condition, well spaced and full spiked. Necessary renewals have been or are being made.

Twenty miles of the main track are laid with 90-pound, 381 miles with 80-pound, and the remainder—about 16 miles—with 75-pound steel rail, all connected by angle plates 30 inches in length with 6 bolts. The rail is in very good condition and renewals are being made as necessary. The connections are full bolted and no loose bolts were observed. The Utica division has 13.25 miles of track laid with 75-pound, 70.5 miles with 80-pound, 18 miles with 60-pound, and 3.75 miles with 67-pound steel rail. The 75 and the 80-pound rails are connected by angle plates 30 inches in length with four bolts; the 60 and the 67-pound rails by angle plates 24 inches in length with four bolts. The 60-pound rail on the Richfield Springs branch is somewhat worn, and some loose track bolts in the joints of that rail were observed; the remainder of the rail is in fair to good condition, the connections full bolted and the bolts tight. The Syracuse, Binghamton and New York tracks are laid entirely with 80-pound steel rail, connected by angle plates 30 inches in length with 6 bolts. The rail is in very good condition, all angle plates full bolted and bolts tight. The Oswego and Syracuse division has 17.5 miles laid with 80-pound, 0.75 miles with 75-pound, and the remainder—16.73 miles—with 67-pound steel rail. The 80-pound rails are connected by angle plates 30 inches in length with 6 bolts; the 75 and the 67-pound rails by angle plates 24 inches in length with 4 bolts. The rail is in very good condition, all connections full bolted and bolts tight. The Cincinnatus branch track is laid entirely with 60-pound steel rail, connected by angle plates 24 inches in length with 4 bolts. The rail is generally in good condition; a few "burnt" rails were observed, which should be replaced. All connections are full bolted and bolts tight. The Cayuga division has 13.16 miles laid with 75-pound, 3 miles with 70-pound, and the remainder—18.26 miles—with 60-pound steel rail, all connected by angle plates 24 inches in length with 4 bolts. The rail is in fair to good condition, all connections full bolted, and no loose bolts were observed.

All main track switches are split point; nearly all rigid stands. The switches and stands are in good condition and targets well painted. Switch and semaphore lamps show red light for danger, green for safety and yellow

for caution. Nearly all main track frogs are spring rail except on the Cincinnatus branch and the Cayuga division, where rigid frogs are used with the lighter rail. Derailing switches are in all sidings upon which cars are left standing, where the grade descends toward the main track, and all the stands have targets.

The main line tracks are ballasted with gravel, cinders, slag and broken stone, there being about thirty miles of double track ballasted with broken stone which has been recently put in on the westerly end of the road, and the ballasting with broken stone is being continued. The track is generally fairly ballasted, but the ballast has been considerably worn in places, especially between Bath and Mt. Morris, where additional ballast would be beneficial. The Utica division is ballasted with gravel and cinders, generally in fair quantity, as are also the Syracuse, Binghamton and New York and the Oswego and Syracuse divisions. The Cincinnatus branch is lightly ballasted with cinders and gravel. The ballasting on this line has been very much improved; additional ballast, however, is needed in many places. The Cayuga branch is ballasted with gravel and cinders, generally in fair quantity, and has been much improved.

The alignment and surfacing of all the tracks excepting the Cincinnatus branch are good, and the outer rail on curves properly elevated for the speed at which the trains operate; on the Cincinnatus branch the alignment and surfacing are somewhat irregular and the elevation of curves somewhat variable; the condition of those matters, however, has been greatly improved within the past two years.

The track sections are about three miles in length of the double track and six miles in length of the single track lines, and the average section force maintained on each consists of a foreman and six laborers. Each section gang is furnished with flags, lanterns and torpedoes, for protecting their work. Regular track walkers are employed.

Grades and Curves.

The grades and curves of the main line are generally light; the maximum curves are six degrees, but nearly all are much lighter. The maximum grade is 60 feet per mile, for about 12 miles, between Wayland and Groveland. The curves of the Utica division are generally light, the maximum being six degrees. There are several long grades, and some of them steep; the maximum of the main line is 85 feet per mile and of the Richfield Springs branch 82 feet per mile. The maximum curve of the Syracuse, Binghamton and New York division is 7 degrees in Binghamton yard, but most curves are light. The maximum grade is 60 feet per mile between Apulia and Syracuse. The maximum curves on the Oswego and Syracuse division are 5 degrees; the maximum grade 16 feet per mile. The Cincinnatus branch has maximum curve of 6 degrees and 20 minutes. The grades are generally steep and considerably broken; the maximum is 166 feet per mile. The Cayuga division track is considerably crooked and grades are steep. In order to get down the hill into Ithaca there is a swithback. The maximum curve is 10 degrees, located at Owego; the maximum grade is 90 feet per mile, ascending the hill from Ithaca.

Grade Crossings of Railroads.

The main line crosses at grade the following tracks: On Lake street, Elmira, one track of the Elmira Water, Light and Railroad Company's electric railroad; there are no derailing switches in the track of the electric railroad; there is a copper trough over the trolley wire; the conductors pilot their cars over the crossing of the steam railroad. One track of the Elmira, Cortland and Northern Railroad (operated by the Lehigh Valley Railroad Company) at Elmira; the crossing is protected by signals located on a tower; all trains come to a full stop before crossing. One track of the Rochester division of the Erie Railroad at Erwin's; the crossing is protected by an interlocking plant, with derailing switches in all tracks. One track of the Port Morris branch of the Erie Railroad at Port Morris; the crossing is protected by an interlocking plant, with derailing switches in all tracks. One track of the

Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company) at Port Morris; the crossing is protected by an interlocking plant, with derailing switches in all tracks. One track of the International Railway Company's electric railroad at Cheektowaga; there are no derailing switches in the tracks of the electric road and no copper trough over the trolley wire; the conductors of the electric railroad pilot their cars across the track of the steam railroad. Three tracks of the Western New York and Pennsylvania Railway, Buffalo division, at Buffalo; the crossing is protected by an interlocking plant, with derailing switches in all tracks. Three tracks of the Buffalo Creek Railroad, two tracks of the Chautauqua division of the Western New York and Pennsylvania Railway, and two tracks of the New York, Chicago and St. Louis Railroad, side by side, in Buffalo; the movements of trains on all roads are governed by disc signals located on a tower, and all trains are required to come to a full stop before crossing. This is a very dangerous crossing, owing to the large number of trains operating over it on all the roads, and the question of the elimination of this crossing is now being considered by your Board. Two tracks of the International Railway (electric) are crossed on Clinton avenue, Buffalo; there are derailing switches in the track of the electric road and a copper trough over the trolley wire. A branch in Buffalo known as the Black Rock branch, used only for freight purposes, crosses at grade tracks of the International Railway as follows: Two tracks on Walden avenue — no derails, but copper trough over the trolley wire; two tracks on Genesee street — derails, and copper trough over the trolley wire; one track on Bailey avenue — derails, and copper trough over the trolley wire; two tracks on Kensington avenue — derails, and copper trough over the trolley wire; at each of the above-named crossings the conductors of the electric railroad are required to pilot their cars across the track of the steam road. A switching track of the Erie Railroad is crossed by this branch in North Buffalo yard, where trains operate only under switching rules, and the trainmen are required to protect their trains while crossing.

The Utica division crosses at grade two tracks of the West Shore Railroad near Utica; the crossing is protected by gates and all trains come to a full stop before crossing. One track of the New York, Ontario and Western Railway at Utica; the crossing is protected by a tilting board signal and all trains are required to come to a full stop before crossing. One track of the Utica and Mohawk Valley Railway (electric) at New Hartford; there are derailing switches in the track of the electric road and a copper trough over the crossing. One track of the Utica and Mohawk Valley Railway on Columbia street and one on Whitesboro street, Utica; there are derailing switches in the track of the electric railroad at each crossing, also copper troughs over the trolley wire.

The Syracuse, Binghamton and New York division crosses four tracks of the Erie Railroad at Binghamton; protected by new and complete interlocking plant. The easterly leg of the "Y" at Binghamton crosses two main tracks of the Erie Railroad; the crossing is protected by a modern and complete interlocking plant. One track of the Binghamton Railway (electric) on Robinson street, Binghamton; the conductors of the electric railroad are required to pilot their cars across the track of the steam railroad. One track of The Delaware and Hudson Company's railroad at Binghamton; the crossing is protected by a modern and complete interlocking plant. One track of the Elmira, Cortland and Northern branch of the Lehigh Valley Railroad at Cortland; the crossing is protected by a target signal and all trains are required to come to a full stop before crossing. One track of the Cortland County Traction Company's electric railroad at Cortland, and one at Homer; at neither crossing are there derails in the track of the electric railroad, nor copper trough over the trolley wire. The conductors of the electric road are required to pilot their cars across the track of the steam road. One track of the Syracuse Rapid Transit Railway (electric) on Grape street, two on South Salina street, two on West Onondaga street, two on Walton street, and two on West street, Syracuse; there are no derailing switches in the electric

railroad at either of the crossings; on Grape street there is a wire netting over the trolley wire, and on Walton street a copper trough; at neither of the other crossings is there protection over the trolley wire. One track of the Auburn branch of the New York Central and Hudson River Railroad is crossed at Syracuse; the crossing is protected by an interlocking plant and there are derails in all tracks.

The Cayuga division crosses at grade two main tracks and four sidings of the Erie Railroad at Owego; the crossing is protected by a modern and complete interlocking plant. One track of the Auburn branch of the Lehigh Valley Railroad at Owego; the crossing is protected by a semaphore signal and all trains come to a full stop before crossing. One track of the Elmira and Cortland division of the Lehigh Valley Railroad at Caroline Junction; the crossing is protected by a target signal and all trains are required to come to a full stop before crossing. One track of the Lehigh Valley Railroad, Auburn and Ithaca branch, at Ithaca; the crossing is protected by a target signal and all trains are required to come to a full stop before crossing. One track of the Ithaca Street Railway at Ithaca; there are no derailing switches in the tracks of the electric road nor copper trough over the trolley wire; it was observed at this crossing that the street cars crossed without the conductors going ahead to the crossing.

The main line of the Utica division crosses the Erie canal on a drawbridge in the city of Utica; the bridge is protected by a distant signal interlocked with the mechanism of the bridge.

Interlocking.

Interlocking plants are maintained as follows: At the grade crossing of the Rochester division of the Erie Railroad at Painted Post, protecting the grade crossing of the railroads and a switch connection between the two roads; at the grade crossing of the Mt. Morris branch of the Erie at Mt. Morris, protecting the grade crossing of the two railroads; at the grade crossing of the Western New York and Pennsylvania Railway at Mt. Morris, protecting the grade crossing of those roads; at the grade crossing of the Buffalo division of the Western New York and Pennsylvania Railway at Bailey avenue, Buffalo, protecting the grade crossing. On the Syracuse, Binghamton and New York division at Liberty street, Binghamton, and another at Court street, Binghamton, protecting the grade crossings of those two railroads; at the grade crossing of The Delaware and Hudson Company's Railroad at Binghamton, protecting the crossing of those railroads; at the grade crossing of the Auburn branch of the New York Central and Hudson River Railroad in Syracuse, protecting the grade crossing of those railroads. On the Cayuga division at the grade crossing of the Erie Railroad in Owego, protecting the grade crossing of those roads.

Right of Way.

The right of way is in first-class condition, free from trees and brush; grass and weeds are now being cut. The fences are mainly of wire and generally in good repair. On the Cincinnatus branch there is some fence lacking, and additional repairs are needed to the fences generally. On the Cayuga division considerable board fence is used and additional repairs are needed to not only the board but the wire fence of that division.

Highway Crossings.

All grade crossings of highways are properly graded and the planking in good condition. Crossing signs of the "X" form, properly located and well painted, are maintained at each. Metallic cattle guards are used entirely. On the Cincinnatus branch, cattle guards are not maintained; a few were noted on the other lines of railroad needing repairs. Brush along the highways in the vicinity of the crossings has been removed — also brush and small trees on private property near the crossings, which might obscure the view of approaching trains, has been removed where the consent of property owners could be obtained.

Twenty-eight highway grade crossings of the main line are protected by flagmen; 33 by flagman and gates, and 36 by electric bells; 17 of the Utica division by flagmen, 9 by flagmen and gates, and 20 by electric bells; 22 of the Syracuse, Binghamton and New York division by flagmen, 8 by flagmen and gates, and 17 by electric bells; 13 of the Oswego and Syracuse division by flagmen, 3 by flagmen and gates, and 5 by electric bells, and 2 on the Cayuga division by flagmen and gates.

Block System.

The movements of trains on the main line, from the Pennsylvania State line to Mt. Morris, on both tracks, are governed by electric block signals; from Mt. Morris to Linwood the eastbound track is blocked by the same type of signals, and the electric block signal system is being extended; on the remaining portion of the main line the movements of trains are governed by the telegraphic train order system. On the Syracuse, Binghamton and New York division the movements of trains are governed by automatic electric block signals between Binghamton and Chenango Forks; the movements of trains on the balance of this division, as well as on the remaining lines, are governed by the telegraphic train order system, semaphore signals being located at the stations.

Mile posts are not maintained, but distances are marked on boards secured to the nearest telegraph poles. The whistle posts are properly located.

Stations, Etc.

The station buildings are in good repair, clean and neat, and a large proportion of them have been recently repainted. Water for drinking purposes is furnished, and time tables are posted in the waiting rooms. Water in pails, fire extinguishers, and at stations where there is a water system, hose is provided for fire protection. The station platforms are of plank, gravel, stone screenings and concrete. The use of concrete for station platforms has been largely increased. The station grounds and yards are well kept and at many of them are lawns with shrubs, ornamental plants and flowers, presenting a neat and attractive appearance. All station employees are uniformed and wear a badge indicating their employment.

The passenger equipment is in first-class condition. All cars have automatic couplers and air brakes, are heated by steam and lighted with gas and oil lamps. Drinking water is carried in all cars and the emergency tools are properly located. All passenger trainmen wear a uniform, and a badge indicating their employment.

The freight equipment is well maintained. All the cars have automatic couplers and about 96 per cent. are equipped with air brakes.

Since the last inspection (July, 1904), there have been added to the equipment 5 locomotives, 2 coaches, 1 snow plow, 1 flanging car, 1,682 box cars and 7 cabooses. On the so-called Mother Hubbard engines, where the engineer's and fireman's cab are separated there is provided an emergency valve in the cab of the fireman and speaking tubes connecting the two cabs.

Dining or cafe cars are run in the long distance trains.

Repairs and Improvements.

Very extensive repairs and improvements have been made, since the last inspection, on all the lines, especially in the matter of bridges, and additional bridges to replace the remaining light structures of the main line and on all the other lines have been or are being arranged for. All improvements have been made in the most approved manner. On the main line forty steel or iron bridges have been replaced with new and stronger bridges. Twenty-one spans of bridges of the Syracuse, Binghamton and New York division, twenty-two of the Utica division and four of the Utica branch were noted as having been replaced with new steel bridges, and in all cases where the bridges have been renewed the masonry has been either entirely rebuilt or extensively repaired. Eight spans of iron bridge of the main line have been replaced with concrete

arches and filling. Three trestles of the main line and one of the Ithaca branch have been replaced with concrete culverts and filling. One trestle of the main line, one of the Utica division, and one of the Ithaca division and six of the Cincinnatus branch have been replaced with iron structures on concrete masonry. Four trestles of the Cincinnatus branch have been replaced with filling; three of those trestles were extensive ones. Twenty trestle structures, mainly small ones, of the Cincinnatus branch have been rebuilt, also three trestles on a freight branch track of the Oswego and Syracuse division. Baldwinsville branch. Nineteen open culverts and cattle passes of the main line, eighteen of the Syracuse, Binghamton and New York division, seven of the Utica division, one of the Ithaca division and twenty-six of the Cincinnatus branch have been rebuilt, replaced or covered. Extensive repairs have been made to the masonry of open culverts, cattle passes, arch and box culverts, several box culverts have been rebuilt or replaced with iron pipe, and one iron pipe culvert of the Ithaca branch has been replaced with a concrete culvert. About 50 per cent. of the cross-ties of the Cincinnatus branch and 25 per cent. of these of all the other lines have been replaced. Twenty miles of new 90-pound rail and 40 miles of 80-pound rail have been laid on the main line, replacing worn 80 and 75-pound rail; on the Cayuga division 0.75 miles of 75-pound rail have been laid, replacing worn 60-pound rail; on the Syracuse, Binghamton and New York division about 30 miles of 80-pound rail have been laid, replacing 67, 70, 73 and 75-pound rail that have become worn; on the Utica division about 46 miles of 80-pound rail have been laid, replacing worn 67-pound rail; on the Oswego and Syracuse division about $17\frac{1}{2}$ miles of 80-pound rail have been laid, replacing worn 67 and 75-pound rail. Forty-four miles of the main line track have been rebalasted with gravel and crushed stone; 21 miles of the Cayuga division with cinders and gravel; 37 miles of the Syracuse, Binghamton and New York division with gravel; 14 miles of the Utica division with gravel and cinders; 11 miles of the Oswego and Syracuse division with gravel and cinders; 5 miles of the Cincinnatus branch with gravel and the remainder of that branch with cinders. About 35 miles of the fencing of the main line have been rebuilt, 8 miles of the Cayuga division, 32 miles of the Syracuse, Binghamton and New York division, 31 miles of the Utica division, 12 miles of the Oswego and Syracuse division, and new fence is now in process of erection along the right of way of the Cincinnatus branch. Several of the yards have been reconstructed and additional tracks laid. Several passing tracks have been extended and new ones laid.

The following repairs, improvements, additions and reconstructions of buildings, etc., were noted: Main line — a new ice-house has been erected at Binghamton; a new heating plant has been established at the station and freight house at that place, also a new freight transfer platform. A new passenger and also freight station of brick have been erected at Oswego; a new ice-house at Elmira; a new brick passenger station at Waverly, the old station remodeled and made into a freight house. A new water filtering plant has been established at Mt. Morris; a new frame passenger station built at Fargo; a very extensive coal trestle at Cheektowaga remodeled and enlarged. A new car transfer has been erected at East Buffalo for transferring coal; there is also under construction at East Buffalo a new locomotive paint shop, and a new freight house at the Buffalo terminal. On the Utica division a new ice-house has been erected at Chenango Forks, a new passenger station at Brisbin, new freight houses at Oxford and Norwich, a new station at Galena, a new station at Chardicks, and the old passenger station remodeled for a freight house; a new engine house, turntable, ash pit, locomotive coaling trestle, ice-house, machine shop, boiler plant, office for the motive power department, etc., at Utica, a new commercial coaling trestle at Utica and the freight house at Sanquoit is being extended. On the Syracuse, Binghamton and New York division a new commercial coaling trestle has been erected in Syracuse, a new joint interlocking plant with the New York Central at the grade-crossing of the Auburn branch at Syracuse, a new passenger station has been erected at Tully, and a new interlocking plant at the crossing of the Erie Railroad, with 104 levers, at Liberty street, Binghamton. There is now in

course of erection at Syracuse a new commercial coaling trestle; also at Syracuse a machine shop, office for motive power department, engine-house, ash pit, locomotive coaling trestle and boiler plant. On the Richfield Springs branch of the Utica division new frame stations have been erected at East Winfield and at Cedarville. Necessary repairs have been made to a large number of other buildings, etc., owned by the company, and nearly all of the buildings have been repainted. A large proportion of the steel and iron bridges have also been repainted.

Recommendations.

That the necessary widening of cuts and embankments of the Cincinnatus branch be done, and proper ditches made; that the renewal of the light bridges in Buffalo be hurried; that the elimination of thorough interlocking of the crossing in Buffalo of the Buffalo Creek, the Western New York and Pennsylvania and the New York, Chicago and St. Louis railroads be hastened; that necessary repairs be made to fencing, and missing fence on the Cincinnatus branch be replaced; that cattle-guards with proper guard fences be put in on the Cincinnatus branch, and necessary repairs be made to cattle-guards on the other lines.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied that the recommendations would receive due attention. (No. 9 — 1906.)

DUNKIRK, ALLEGHENY VALLEY AND PITTSBURGH RAILROAD.

(Inspected November 14, 1906.)

On November 14, 1906, I made an inspection of the portion of the Dunkirk, Allegheny Valley and Pittsburgh Railroad in the State of New York, and respectfully submit the following report:

The Dunkirk, Allegheny Valley and Pittsburgh Railroad connects with the main line of the Lake Shore and Michigan Southern Railway at Dunkirk, and extends to Titusville, Pennsylvania. The portion of the road in this State is that between Dunkirk and the Pennsylvania State line near Fentonville; its length is 42.30 miles, single track, and it has approximately 7 miles of sidings and yard tracks.

The roadway is fairly well graded and well drained, the drainage having been materially improved since the last inspection.

The iron bridges, while some of them are light, are of sufficient strength for the class of motive power and rolling stock operated on the road, are in good condition and well painted. The ties and guard timbers are of standard dimensions and properly maintained. Inside guard-rails are laid on all. The masonry to most of them is from fair to good; a few cases were noted where masonry is failing and the bridges are supported on bents pending renewal. There are no wooden bridges. There yet remain a few timber trestles,—all small structures and in proper repair. The larger proportion of the open culverts and cattle passes are constructed entirely of timber,—a few have masonry and I-beam stringers. In two or three cases, on short spans, rails are used for stringers. The ties and guard timbers are of standard dimensions and the entire structures in good condition. The arch and box culverts and iron pipe drains are apparently in proper condition.

The standard cross-ties are 6 x 8 inches, 8 feet in length, and laid at the rate of approximately 2,816 to the mile of track; about 80 per cent. of them are oak and the remainder chestnut. They are in first-class condition, evenly spaced and full spiked. Approximately ten miles of the main line track are laid with 70-pound, nine miles with 65-pound and the remainder, 23.30 miles, with 60-pound steel rail. The 70-pound rails are connected by angle plates 36 inches in length with six bolts, and the lighter rails by angle plates 24 inches in length with four bolts. The rail is in very fair condition, connections full bolted, and no loose bolts were observed. The main track

switches are split point. Rigid and automatic stands are both used, and all have proper targets. Switch and semaphore signals show red light for danger, white for safety and green for caution. The frogs are rigid and in proper condition. Derailing switches are in all tracks upon which cars are left standing, where the grade descends toward the main track, and have proper targets. The alignment and surfacing of the track are very good, and the outer rail on curves properly elevated for the speed at which the trains are scheduled. The track is lightly ballasted with gravel, slag and cinders.

The track sections are approximately six miles in length, and the force employed upon each consists of a foreman and four laborers in winter and seven laborers in summer. Each gang is furnished with flags, lanterns and torpedoes for protection. Regular track-walkers are not employed, but all portions of the road are patrolled daily by some member of the section force.

The general alignment of the road is fair, but ascending the grade east of Dunkirk there are several sharp curves, the maximum being about eleven degrees. The grades are considerably broken, the road evidently having been laid out so as to make as little cut and fill as possible. There is a long grade east of Dunkirk of approximately seventy-two feet per mile, which is the maximum.

The following named railroads are crossed at grade: One track of the New York, Chicago and St. Louis and one of the Pennsylvania Railroad, side by side, at Dunkirk;—the crossings are protected by a tilting board signal and all trains are required to come to a full stop before crossing. Two tracks of the Meadville division of the Erie Railroad at Falconer Junction protected by an interlocking plant. This interlocking plant is the only one maintained on the road.

The right of way is fairly clean and is fenced with wire, generally in fair repair, although some places were observed where additional repairs are needed. The highway crossings are properly graded, well planked, and protected by signs of the diamond form. Cattle guards are not maintained. Two highway crossings are protected by flagmen and one by an electric bell. The movements of trains are governed by the telegraphic train order system. Mile posts are maintained and the whistle posts are at the proper distance from the highway crossings.

The station buildings, while generally small, are in very good repair, and are apparently sufficient for the requirements. The waiting rooms are clean and the sanitary condition good. Time tables are posted in the waiting rooms and water for drinking is provided. Fire extinguishers are kept in the station buildings as protection against fire. The platforms are of plank and gravel and are well maintained. The station grounds and yards are fairly well kept. Station employees are uniformed.

The standard equipment of the New York Central and Lake Shore and Michigan Southern railroads is used on this line and is in good condition.

Since the last inspection about 30 per cent. of the cross-ties have been renewed; 9 miles of second use 65-pound rails have been put in main track, replacing worn 56-pound rail; nearly all the iron bridges have been repainted; the timber trestles have been renewed or repaired; several open culverts and cattle passes have been rebuilt or replaced with iron pipe; 14 miles of the track have been reballasted with slag and one mile with cinders; five miles of fence have been rebuilt and light repairs made to other fences; a new station has been erected at Falconer Junction; necessary repairs have been made to other station buildings, and those needing it have been repainted.

Recommendations.

That necessary repairs and renewals be made to bridge masonry; that necessary repairs be made to fences, and that cattle-guards with proper guard-fences be maintained at each boundary of all the highways crossed at grade.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company informed the Board that it would comply with the recommendations as directed. (No. 27 — 1906.)

FULTON CHAIN RAILWAY.

(Incorporated September 18, 1906.)

The Fulton Chain Railway connects with the Mohawk and Malone Railway of the New York Central and Hudson River Railroad at Fulton Chain, and extends to Old Forge, a distance of 2.29 miles, and has about 0.26 miles of sidings.

The roadway is fairly well graded, and while the ditches are small the land is sandy and very little ditching required.

There is but one iron bridge; it is light, but sufficient for the class of motive power and rolling stock used; it is in good condition, has standard ties and guard timbers, and inside guard rails. The masonry is good. There are no timber structures, no open culverts or cattle passes, and no arch culverts. The box culverts and iron pipe drains are in good condition.

The cross-ties are 6 x 8 inches, 8 feet in length, and laid at the rate of 2,640 to the mile of track; they are mainly of cedar; they are well spaced and full spiked. The track is laid with mixed 60 and 75-pound rail, connected by angle plates 24 and 30 inches in length, with four and six bolts. The rail is much worn and many of the bolts in connections loose.

The switches are split point and have automatic stands with proper targets. The frogs are rigid. No derailing switches are required.

The track is lightly ballasted with sand.

The alignment and surfacing of the track are fair for the moderate speed maintained, and the outer rail on curves is properly elevated.

The road runs for nearly its entire distance through timber land and is only cleared the width necessary for the cuts and embankments. Large timber standing near tracks should be removed. Fences and cattle guards are not maintained, and apparently not needed, as there is no grazing land along the railroad.

The highway crossings are very well graded, and protected by signs of the diamond or triangular form. No mile or whistle posts are maintained. Track repairs are made by section men of the Mohawk and Malone Railway, and the track is patrolled daily.

The trains are operated by the telegraphic train order system.

The only station building maintained by the company is at Old Forge; it is a wooden building, in good condition and properly furnished.

The motive power and rolling stock used are those of the New York Central and Hudson River Railroad, and are in proper condition.

Recommendations.

That large timber near the track be cut and removed, and that whistle posts be put at the prescribed distance from highway crossings.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that the recommendations would be carried out. (No. 27 — 1906.)

ISLAND RAILROAD.

(Inspected July 26, 1906.)

On July 26, 1906, I made an inspection of the Island Railroad, and respectfully submit the following report:

The Island Railroad consists of a series of switching tracks connecting with The Buffalo Creek Railroad near Ganson street, Buffalo, and extending to the elevator and warehouse of the Mutual Elevator Company and the Mutual Transit Company, located on the ship canal. The total length of the tracks is about 1½ miles, and the length of track from the connection to the end is 0.14 miles.

There are no bridges or other structures in the roadway. The track is used only for freight purposes, and the cars are handled by The Buffalo Creek

Railroad Company. The road owns no equipment. The tracks are laid with various weights of steel rail and are in fair condition for the purpose used.

A copy of this report was sent to the company. (No. 13 — 1906.)

LEHIGH VALLEY RAILROAD COMPANY.

(Inspected August 6 to 11, 1906.)

I have made an inspection of the various lines of railroad in this State owned and operated by the Lehigh Valley Railroad Company, and respectfully report as follows:

Pennsylvania Division.

(Inspected August 7, 8 and 9, 1906.)

A portion of the main line of the Pennsylvania division in this State, extends from the Pennsylvania State line near Sayre to Manchester, a distance of 87.157 miles of double track and has 42.20 miles of sidings and yard tracks.

The Waverly branch, a single track line, extends from the connection with the Erie Railroad at Waverly to Sayre, and there is of this road 0.408 miles of single track in this State, also 1.423 miles of sidings and yard tracks.

The Ithaca branch connects with the main line at Van Etten Junction and extends to another connection with the main line at Geneva Junction, a distance of 59.49 miles of single track and has 16.74 miles of sidings and yard tracks.

The Naples branch connects with the main line at Geneva and extends to Naples, a distance of 29.426 miles single track, and has 3.955 miles of sidings and yard tracks.

The Seneca Falls branch connects with the Ithaca branch at Geneva Junction and extends to Seneca Falls, a distance of 8.196 miles of single track, and has 1.997 miles of sidings and yard tracks.

The Willard branch connects with the Ithaca branch at Hayts Corners and extends to Willard, 3.823 miles, single track, and has 0.295 miles of sidings and yard tracks.

Roadbed.

The main line, Waverly branch and Willard branch is well graded and properly drained. A few cuts of the Ithaca branch through material of a clay or quick sand nature, south of Ithaca, have slopes supported by pile or timber docking which in places is getting poor. The line, however, is to be changed through this locality in the near future for some of the distance, and the cuts are to be widened and resloped.

The Naples branch was originally graded with narrow cuts in many places and too low grade lines through swamps. Recent severe storms have in some cases filled the ditches and also damaged the embankment through the low ground. Men are engaged cleaning ditches and repairing damage done.

On the Seneca Falls branch some cuts through clay have ditches filled by material washed from the slopes. Arrangements are made for widening the cuts and at the same time improving the alignment. Subdrains are used in ditches and wet cuts extensively with beneficial results.

Bridges, Trestles, Open Culverts, Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges of the main line are in first-class condition and calculated to carry with proper factor of safety, the heaviest motive power and rolling stock used. They are generally well painted and paint is being renewed on those needing it. The ties and guard timbers are standard and in excellent repair. Inside guard rails are maintained. All the masonry is good.

There are no bridges on the Waverly branch.

On the Ithaca branch all are in first-class condition with the exception that a few of them need repainting, which is arranged for. The masonry, ties and guard timbers are of the same class as on the main line and inside guard rails are maintained.

On the Naples branch there are very few iron bridges. Most of them have timber bents in place of abutments, and one, which is very light, has extra bents supporting it, pending renewal. Nearly all the iron bridges should be repainted. The ties and guard-timbers are standard and in proper repair. Inside guard-rails are maintained.

There are no bridges on the Seneca Falls branch and but one on the Willard branch. That is a deck-plate girder on bents; it is in fair condition, with standard ties and guard-timbers, etc., in proper repair. There are no wooden span bridges on any of the lines of this division, excepting over-head bridges for highways, farm crossings, etc. These are in proper condition and all that are less than twenty-one feet above the track, as well as all other overhead obstructions are protected by warning signals. There are no timber trestles in the roadway of the main line, Waverly branch, Ithaca branch or Willard branch. Those in the roadway of the Seneca Falls branch and Naples branch are of standard construction and in good repair.

The open culverts and cattle passes of the main line and Ithaca branch have good masonry, I-beam stringers, standard ties and guard-timbers well maintained. Those of the Naples branch, Seneca Falls branch and Willard branch are nearly all constructed entirely of timber—they are, however, in good condition.

The arch and box culverts and iron pipe drains are apparently in good condition.

Track.

The cross-ties in the main line tracks are 7 x 9 inches, 8½ feet in length. Ninety-five per cent. pine, 5 per cent. oak. In the branch line tracks the dimensions are 7 x 9 inches, 8 feet in length. Those in the Waverly branch are 20 per cent. "Y" pine, 70 per cent. oak and 10 per cent. chestnut. In the Ithaca branch 60 per cent. "Y" pine, 30 per cent. oak, 10 per cent. cedar. Naples branch, 53 per cent. cedar, 20 per cent. "Y" pine, 2 per cent. oak. Seneca Falls Branch, 85 per cent. cedar, 10 per cent. "Y" pine, 5 per cent. oak. Willard branch, 80 per cent. cedar, 15 per cent. oak, 5 per cent. "Y" pine. In all the tracks they are laid at the rate of 2,816 to a mile of track. The ties are in good condition—necessary renewals having been made. They are well spaced and full spiked.

One hundred and fifteen and ninety one-hundredths miles of main line track is laid with 90-pound, and the remainder, 58.42 miles, with 80-pound steel rail, all connected by angle plates 28 inches in length with six bolts. The 90-pound rail is in first-class condition. The 80-pound rail is somewhat worn and is to be replaced this year. All connections full bolted and bolts tight.

The Waverly branch is laid entirely with 76-pound steel rail connected by angle plates 28 inches in length with six bolts. The rail is in fair condition. Connections full bolted and bolts tight.

The Ithaca branch has 58 miles laid with 80-pound and 1.49 miles with 76-pound steel rails, all connected by angle plates 28 inches in length with six bolts. The rail is in very fair condition, and renewals being made as necessary. All connections full bolted and bolts tight.

The Naples branch is laid entirely with 60-pound steel rails connected by angle plates 24 inches in length with four bolts. The rail is in very fair condition. All connections full bolted and bolts tight.

The Seneca Falls branch has 1.00 mile laid with 80-pound and the remainder, 7.196 miles, with 76-pound steel rails all connected by angle plates 28 inches in length with six bolts. The rail is in good condition. Connections full bolted and bolts tight.

The Willard branch is laid entirely with 58-pound steel rails connected by angle plates 24 inches in length with four bolts. The rail is much worn and many loose bolts were observed.

All the main track switches are split point with rigid stands and proper targets. Switch and semaphore lamps show red light for danger, white for safety and green for caution. All main line switches are protected by the

electrical automatic block signal system. Those of the Ithaca branch by home and distant semaphore signals interlocked with the switch stands. Nearly all the main track frogs are spring rail. Derailing switches are in all sidings connecting with the main track, upon which cars are left standing where the grade descends toward the main track, and the stands have proper targets.

The main line tracks are ballasted with broken stone in good quantity. The Waverly branch with gravel and cinders in fair quantity. The Ithaca branch has about half the track ballasted with broken stone in good quantity and the remainder with gravel in light to fair quantity. The broken stone ballast is being extended and the entire branch track is to be ballasted with broken stone. The Naples branch track is lightly ballasted with gravel and cinders. Considerable new ballast is being put in on this line. The Seneca Falls branch and the Willard branch are lightly ballasted with gravel and cinders.

The alignment and surfacing of the main line and Ithaca branch tracks are first-class; of the Waverly branch good; of the Naples branch, somewhat irregular on account of damage recently done by high water; of the Seneca Falls branch, good; and the Willard branch fair. The outer rail on curves is properly elevated for the speed at which the trains are scheduled.

The main line track sections are about four miles in length of the double track, and the force maintained on each consists of a foreman and six laborers. Each gang is furnished with flags and lanterns for protecting their work. All portions of the road are patrolled twice daily.

The Waverly branch is part of a main line section.

The sections of the Ithaca branch are five miles in length, and the force employed on each is a foreman and five laborers.

The sections of the Naples branch are seven miles in length and the force employed, one foreman and four laborers.

The Seneca Falls branch, 8.196 miles in length, and has a force employed of one foreman and five laborers.

On the Willard branch there is employed one foreman and three laborers.

All portions of the branch tracks are patrolled once or more daily.

Alignment, Grades and Curves.

The maximum grade of the main line is 25.40 feet per mile; Waverly, 35.30 feet per mile; Ithaca branch, 108.24 feet per mile; Naples branch 105.60 feet per mile; Seneca Falls branch, 52.80 feet per mile, excepting a temporary grade at Seneca Falls which is 142.50 feet. The Willard branch, 105.60 feet per mile.

The general alignment of the main line is first-class. The maximum curve of the main line is 4 degrees; of the Waverly branch, 4 degrees. The Ithaca branch is somewhat crooked and has many curves the maximum of which is 8 degrees. The Naples branch is considerably crooked for a portion of its length and the maximum curve is 9 degrees, 17 minutes. The maximum curve of the Seneca Falls branch is 8 degrees, 30 minutes, and the Willard branch is 10 degrees.

Grade Crossings of Railroads.

No railroads, steam or electric, are crossed by the main line tracks. The Ithaca branch crosses one track of the Elmira and Cortland Division at Van Etten. The crossing is protected by semaphore signals that are interlocked. The Naples branch crosses the main track and two sidings of the Northern Central Railway at Stanley. The crossing is protected by an interlocking plant. There are derailing switches in the track of the Naples branch, but none in the tracks of the Northern Central Railway. All Lehigh Valley trains come to a full stop before crossing. The trains of the Northern Central Railway do not stop if the signals are in their favor.

Interlocking

Interlocking plants on the main line are maintained as follows: At the State Line, governing the entrance to Sayre yard. At Van Etten Junction governing the connection of the Ithaca branch and main line movements. At Geneva Junction governing the connection of the Ithaca branch, Seneca Falls branch and main line movements. On the Ithaca branch at Van Etten, governing the crossing of the Elmira and Cortland Division. On the Naples branch at Stanley, governing the crossing of the Northern Central Railway.

Right of Way.

The right of way of all the lines is free from trees, brush and rubbish, excepting in a few places where small brush is left to protect slopes. The fences are of wire and generally in good repair. Some additional repairs, however, are needed on the Naples and Willard branches.

Highway Crossings.

The grade crossings of highways are in proper condition, well graded and planked. Crossing signs of the diamond or triangular form are suitably located at each highway grade crossing. Wood or metallic cattle-guards are maintained at each boundary of all the highways crossed at grade. Some of those of the Naples branch, Seneca Falls and Willard branch need repairs.

The attention of the officials of the railroad accompanying your inspector was directed to a number of crossings on the various lines where brush within the lines of the highway outside of the company's right of way to some extent interferes with the view of approaching trains, and the request was made that the matter be taken up with the highway commissioners and the brush removed.

Five crossings of the main line are protected by flagmen, one by flagman and gates and four by electric bells. Two crossings of the Ithaca branch by flagmen and two by electric bells.

Block System.

The movements of trains on the main line are governed by automatic electrical block signals. On the other lines by the telegraphic train order system. Mile posts are maintained and the whistle posts are at the prescribed distance from the highway crossings.

Stations, Etc.

The station buildings are in good repair, waiting rooms clean and neat. Water for drinking is provided and time tables posted in the waiting rooms. Water in pails and barrels and fire extinguishers are kept in stations for protection against fire.

The station platforms are mostly of gravel, stone screenings and concrete — a few plank platform are yet maintained.

The station grounds are well kept, and at the more important ones are lawns with shrubs and ornamental plants and flowers.

All station employees are uniformed and wear a badge indicating their employment.

General Equipment.

The equipment is in good condition. All passenger cars have automatic couplers and air brakes and are heated with steam and lighted with gas, oil or electric lamps. Drinking water is furnished in the cars and emergency tools are properly located in the centres of them. All passenger trainmen are uniformed and wear a badge indicating employment.

All freight equipments observed are in good condition. — All cars have automatic couplers, and about ninety per cent. air brakes.

Dining or café cars are run in all the long distance trains. Since the last inspection, August, 1904, there has been added to the equipment, 3,433 freight cars.

Repairs and Improvements.

Among the principal repairs and improvements noted as made since the last inspection are as follows:

Main Line.—About fifteen per cent. of the cross ties have been renewed; 59 miles of new 90-pound steel rail relaid, replacing worn 80-pound rail; 35 miles of double track rebalasted with stone; bridges 278a and 282 have been replaced with solid floor bridges; overhead farm bridge 291c and highway bridge 329 have been rebuilt; arch culverts 354a and 355 have been repaired. Repairs have also been made to the abutments of bridges 354, 358 and 324. The wings to each abutment of 325c and each abutment of 277a have been rebuilt. Necessary repairs and repointing has been done to other masonry. The Geneva freight platform has been rebuilt and a new yard office and car inspectors house built at that place. Thirteen station buildings have been repainted, also thirty bridges. Twenty-eight miles of fence has been built and forty-seven miles repaired. Four thousand feet of drain tile has been laid in the ditches of wet cuts. Additional bracing has been put in seven bridges. Necessary repairs and renewals have been made to bridge floors and steel pedestals put in at thirteen of them, made necessary by raising of the track putting in stone ballast.

Waverly Branch.—About twenty per cent. of the cross ties have been renewed.

Ithaca Branch.—About twenty-five per cent. of the cross ties have been renewed; 29 miles of track has been rebalasted with broken stone. Iron bridges 299, 301, 303 and 306 replaced by new and stronger steel structures. The abutments to bridge 301 were rebuilt and necessary repairs made to other masonry. Improvements are being made in the line north of Ithaca reducing curvature and in connection with this work culverts are being extended or iron pipe put in. The freight house at Trumansburg has been extended; awning protection and platform built at Ithaca. Ten station buildings have been repainted, also twenty-seven bridges; 15 miles of fence has been rebuilt and 24¼ miles repaired. Five 48-inch iron drain pipes have been put in between West Danby and Ithaca. The track, from about one mile west of West Danby to Ithaca has been practically rebuilt on account of the extensive flood which occurred in June, 1905. In connection with this work, about 2,500 feet of rip-rap wall has been built. Four 24-inch drain pipes have been put in west of Ithaca and about 10,600 feet of drain tile laid in the ditches of wet cuts.

Naples Branch.—About twenty per cent. of the cross ties have been renewed. Four miles of track has been rebalasted with ashes. Seven miles of fence has been rebuilt and about 5,000 feet of drain tile laid in the ditches of the wet cuts.

Seneca Falls Branch.—About five per cent. of the cross ties have been renewed. Repairs have been made to five trestle structures.

Willard Branch.—About five per cent. of the cross ties have been renewed and one mile of fence rebuilt.

Recommendations.

That necessary renewal of rail be made on the Willard branch and the loose track bolts made tight; that necessary repairs be made to fences on the Naples and Willard branches; that cattle guards on the Naples, Seneca Falls and Willard branches be put in proper repair, and that the brush within the lines of the highway in the vicinity of crossings where it interferes with the view of approaching trains be removed.

Buffalo Division.

(Inspected August 9, 10 and 11, 1906.)

The main line of the Buffalo division includes that portion of the main line of the Lehigh Valley Railroad from Manchester to Buffalo, 88 miles of double track, and has 101.493 miles of sidings and yard track. The Rochester

branch extends from Rochester to Hemlock Lake, crossing the main line at Rochester Junction. The length of the road is 28.70 miles, single track, and has 10.20 miles of sidings and yard tracks. A short spur track used by all trains, extends from this line into the village of Honeoye Falls; its length is 0.40 miles. The Tonawanda branch connects with the main line at Depew Junction and extends to Tonawanda Junction on the Tonawanda branch of the New York Central and Hudson River Railroad. Its length is 10.60 miles and has 10.40 miles of second main track and approximately two miles of sidings and yard tracks.

The Lehigh and Lake Erie Railroad is a freight line. It connects with the Buffalo Creek Railroad, on which the Lehigh Valley Railroad has trackage rights, at Tift farm, Buffalo, and extends to a connection with the Lake Shore and Michigan Southern Railroad at West Seneca. Its exact length is 3 miles and has 1.70 miles of second main track and 0.40 miles of sidings. The tracks are laid with various weights of steel rail and are in proper condition for the purpose used, namely, the switching of cars between the two yards. This branch is not considered further in this report.

Roadbed.

The main line and Tonawanda branch are well graded and thoroughly drained. The ditches of a few of the cuts of the Rochester branch are partially filled with material washed from the slopes and need cleaning. Sub-drains are extensively used in the ditches of wet cuts.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges of the main line are generally in first-class condition. A few in Buffalo are light for the class of motive power the company desire to use and are being replaced with new and stronger structures. On the balance of the main line the bridges are sufficiently strong to carry with proper factor of safety, all classes of motive power and rolling stock, and in Buffalo, between Buffalo station and East Buffalo, the heaviest locomotives are not operated. All the bridges have good masonry, standard ties and guard timbers well maintained, and inside guard rails are laid upon all of them. A few were observed where repainting would be beneficial to prevent injury from rust. Those of the Rochester branch south of Rochester Junction, while generally lighter, are all of sufficient strength for the class of motive power and rolling stock used. Those between Rochester Junction and Rochester are of the same class as the main line bridges. Most of the bridges have proper masonry; a few, however, are erected on framed bents which are properly maintained.

The ties and guard timbers are all of standard dimensions and in good repair. Inside guard rails are maintained.

The bridges of the Tonawanda branch are of the same class and in the same condition as those upon the main line. There are no wooden bridges remaining in the roadway. The overhead bridges for farm and highway crossings are in proper repair and all that are less than 21 feet above the track are protected by warning signals.

There are no trestle structures on the main line or Tonawanda branch. On the Rochester branch there still remain several, and two extensive ones. They are of standard construction and in proper repair.

All open culverts and cattle passes of the main line and Tonawanda branch have good masonry, I-beam stringers, standard ties and guard timbers in first-class repair. Most of the open culverts and cattle passes of the Rochester branch are construed entirely of timber but are, however, in good, safe condition.

The arch and box culverts and iron pipe drains are apparently in good condition.

Track.

The cross-ties of the main line and Tonawanda branch are 7 x 9 inches, and 8½ feet in length. Of the Rochester branch, 6 x 9 inches, and 8 feet in length. All are laid at the rate of 2,816 to a mile of track. Those in the main line track are about 85 per cent. yellow pine, 5 per cent. oak and 10 per cent. cedar. Of the Rochester branch, north of Honeoye Falls, 55 per cent. are yellow pine, 40 per cent. cedar and 5 per cent. oak. South of Honeoye Falls, 35 per cent. cedar and 65 per cent. oak. Those of the Tonawanda branch are all yellow pine.

All cross-ties are well-spaced, full-spiked and the general condition good, the necessary renewals having been made.

The main line has 135.01 miles of main track laid with 90-pound and the remainder, 40.99 miles, with 80-pound steel rail. The rails are connected by angle-plates, 28 inches in length, with 6 bolts. The Rochester branch has 15.70 miles laid with 80-pound and the remainder, 13.40 miles, with 76-pound steel rails, all connected by angle-plates 28 inches in length with 6 bolts. The Tonawanda branch is laid entirely with 90-pound steel rail connected by angle plates 28 inches in length with 6 bolts. The 90-pound rail is in good condition much of it being new. The 80-pound rail is somewhat worn and that on the main line is being replaced with new 90-pound rail. The 76-pound rail of the Rochester branch, south of Rochester Junction, is considerably worn and much of it should be replaced.

All main track switches are split point and have rigid stands with well-painted targets. Those of the main line are protected by the automatic block signal system. Switch and semaphore lamps show red light for danger, white for safety. Green is used for caution. Main track frogs of the main line and Tonawanda branch and most of those of the Rochester branch, are spring rail. Derailing switches are in all the sidings connected with the main track, where their use appears necessary, and stands have proper targets.

The main line tracks and most of the Tonawanda branch are well-ballasted with broken stone. The Rochester branch, north of Rochester Junction, is very well ballasted with gravel. South of Rochester Junction, lightly with gravel, cinders and stone screenings.

The alignment and surfacing of the main line and Tonawanda branch are first-class; of the Rochester branch, north of Rochester Junction, good, and south of Rochester Junction, fair. The outer rail on curves is properly elevated for the speed at which trains are scheduled.

The main line track section are about four miles in length of the double track and the force maintained upon each is one foreman and seven laborers. Those of the Rochester branch are six miles in length and the force maintained on each, one foreman and five laborers. Those of the Tonawanda branch, five miles in length of the double track, and the force employed on each, one foreman and seven laborers. All section gangs are furnished with flags and lanterns for protecting their work.

All sections of the road are patrolled daily.

Alignment, Grades and Curves.

The general alignment of all the lines is very good and most curves light. The maximum curve of the main line is 8 degrees, located in Buffalo, but the maximum curve outside of Buffalo is but 2 degrees. The maximum curve of the Rochester branch is 6 degrees and of the Tonawanda branch, aside from the connection of the main line at Depew, 3 degrees.

The maximum grade of the main line is 65 feet per mile for a short distance in Buffalo; aside from that, the maximum grade is about 21 feet per mile. The maximum grade of the Rochester branch is about 79 feet per mile for a short distance near Rochester. The maximum grade of the Tonawanda branch is about 53 feet per mile near Williamsville and is about a mile in length.

Grade Crossings of Railroads.

The main line crosses at grade, one track of the Rochester branch at Rochester Junction, and is protected by a modern and complete interlocking plant; one track of the Buffalo, Rochester and Pittsburg Railway at Pittsburg and Lehigh Junction protected by a modern and complete interlocking plant; four freight tracks of the New York Central and Hudson River Railroad in Buffalo and protected by signals located on a tower. All trains are required to come to a full stop before crossing. One track of the Buffalo, Bellevue and Lancaster Railway (electric) at Cheektowaga. There are derailing switches on the track of the electric railway and a copper trough over the trolley wire. Two tracks of the International Railway (electric) at Chicago street, Buffalo. There are derailing switches in the track of the electric railway and a copper trough over the trolley wire.

The Rochester branch crosses at grade two tracks of the West Shore Railroad (operated by the N. Y. C. & H. R. R. Co.) at Mortimer. The crossing is protected by gates and all trains are required to come to a full stop before crossing. Arrangements are being made for putting in an interlocking plant at this crossing. Two tracks of the main line—Lehigh Valley Railroad—at Rochester Junction protected by modern and complete interlocking plant.

No railroads, steam or electric, are crossed by the Tonawanda branch.

Interlocking.

Interlocking plants are maintained on the main line at the Manchester yard; grade crossing of the Rochester branch at Rochester Junction; grade crossing of the Buffalo, Rochester and Pittsburg Railway at P. & L. Junction; at the junction of the Tonawanda branch at Depew Junction; at Dole street, Buffalo, where connection is made with the Buffalo Creek Railroad; at Van Rensselaer street, Buffalo, where connection is made with the Erie Railroad, and at Louisiana street, Buffalo yard.

The only interlocking plant on the Rochester branch is at the crossing of the main line at Rochester Junction. On the Tonawanda branch at the connection with the main line at Depew Junction and the Canandaigua branch of the N. Y. C. & H. R. R. R. at Tonawanda Junction.

Right of Way.

The right of way is free from trees, brush and rubbish and fenced with wire in fair repair.

Highway Crossings.

The grade crossings of highways are well graded, properly planked and protected by signs of the diamond or triangular form which are suitably located and well painted. Thirteen highway grade crossings of the main line are protected by flagmen, eleven by flagmen and gates and one by an electric bell. Two of the Rochester branch, by flagmen.

Block System, Etc.

The movements of trains on the main line are governed by automatic electrical block signals. The same system of signals covers a portion of the Tonawanda branch; on the remaining portion of the Tonawanda branch, and on the Rochester branch the movements of trains are governed by the telegraphic train order system.

Mile posts are maintained and the whistle posts are properly located.

Stations, Etc.

The station buildings are generally in good repair, clean and neat and furnished similar to those on the Pennsylvania division and the same remarks apply.

Equipment.

The same equipment is used as on the Pennsylvania division; for remarks concerning which, see report of inspection of that division.

Repairs and Improvements.

The principal repairs and improvements noted as made since the last inspection, August, 1904, are as follows:

Main Line.—About fifteen per cent. of the cross ties have been renewed. Thirty-seven and fifty-one one-hundredths miles of new 90-pound rail has been laid, replacing worn 80-pound rail. Deck truss bridge, 444a, replaced by deck girder bridge. Through truss bridge 446a, now being replaced by through girder. Through three span girder bridge 393a is now being replaced by single span through girder bridge with solid floor. Six open culverts and cattle passes have been covered with metal and concrete and track ballasted over them. Masonry to bridges 444a, 393a and 446a has been remodeled to fit new bridges. Eleven iron bridges have been repainted. A new water-softening plant put in at Maxwells and another at Stafford. Necessary repairs have been made to station buildings; eleven have been repainted, also 22 water tanks and 70 minor buildings; 27.30 miles of fence has been rebuilt and 7.80 miles repaired.

Tonawanda Branch.—Approximately thirteen per cent. of the cross-ties have been renewed. Necessary light repairs have been made to masonry and minor repairs to station buildings and several repainted. Four iron bridges have been repainted and the interlocking plant at Tonawanda Junction, rebuilt.

Rochester Branch.—About twenty-six per cent. of the cross-ties have been renewed; 6.30 miles of track reballasted with fine stone. Trestles 394 and 394a have been rebuilt. Light repairs have been made to stations and other buildings and those needing it, repainted. Six iron bridges have been repainted. A new and first-class passenger station has been erected, fronting on Court street, in Rochester, and 700 feet of track extending to it, built on a steel viaduct with masonry foundations.

Recommendations.

That necessary cleaning of ditches of the cuts of the Rochester branch be done; necessary painting of bridges be done to prevent injury from rust and that necessary renewal of rail be made on the Rochester branch.

Auburn Division.

(Inspected August 6, 7, and 8, 1906.)

The Auburn Division of the Lehigh Valley Railroad is made up of the following named lines of single track railroad:

Lehigh and New York branch, which extends from a connection with the main line of the Pennsylvania division at Sayre, to North Fair Haven on Lake Ontario. The line of the road enters the State of New York near Sayre, and its length in this State is 115.371 miles and it has 30.555 miles of sidings and yard tracks.

The Auburn and Ithaca branch which connects with the Lehigh and New York branch at Auburn and extends to Ithaca on the Ithaca branch, a distance of 42.456 miles, and has a spur track from Cayuga Junction to a connection with the Auburn branch of the N. Y. C. & H. R. R. R. at Cayuga, 3.918 miles, and has 10.251 miles of sidings and yard tracks.

The Elmira and Cortland branch extends from a connection with the R., W. & O. division of the N. Y. C. & H. R. R. R. at Camden to Elmira, a distance of 139.142 miles, and has 32.783 miles of sidings and yard tracks.

Roadbed.

The Lehigh and New York branch has cuts and embankments generally of good width and the drainage very fair. A few cuts were observed where

material washed from the slopes by recent severe storm had to some extent clogged the ditches and should be removed.

The Auburn and Ithaca branch, which extends for a considerable portion of its length along the shore of Cayuga Lake, has many side cuts through loose rock, and in places, at the foot of a high cliff of shelly rock which disintegrates and in times of storm, washes down blocking the ditches. Considerable of this rock has been removed in the most dangerous places and the ditches cleaned better than I have seen them on any former inspection. The portions of the road above referred to, are necessarily to some extent dangerous; on one side is the lake and on the other the high bluffs of rock. Those portions of the road are carefully watched and patrolled in advance of all trains.

The Elmira and Cortland branch while generally fairly well graded, has some cuts rather narrow and the slopes upheld by pile docking which is getting old. These cuts should be widened or the docking renewed. The ditches are generally in fair condition. A few places were observed, however, where recent severe storms had filled them to some extent.

Bridges, Trestles, Open Culverts, Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The iron bridges are generally in good repair and fairly well painted and men are now engaged repainting those needing it. The bridge ties and guard timbers are all of standard dimensions and are well maintained. Inside guard rails are laid on all long and high structures. Nearly all bridges have fair to good masonry. Considerably new masonry has been constructed and repairs made to other. A few bridges have abutments of timber which are properly maintained. On the Lehigh and New York branch, stronger bridges have been put in replacing light ones, and this work is to be continued as the company desires to operate over this line heavier motive power than they have been able to do on account of the light structures.

The bridges of the Auburn and Ithaca branch are in proper condition, have good masonry and standard floors and inside guard rails on the long structures.

On the Elmira and Cortland branch there yet remain many light bridges; they are, however, in proper condition and of sufficient strength for the class of motive power and rolling stock used. The ties and guard timbers are standard and well maintained. Inside guards are maintained on long and high structures. The only wooden trussed bridges are those built over the railroad for farm and highway crossings. They are properly maintained and all less than twenty-one feet above the track are protected by warning signals. There yet remains on each of the lines, timber trestles and some long and high ones. They are all of standard construction throughout and are properly maintained.

The open culverts and cattle passes of the Auburn and Ithaca branch have good masonry and nearly all I-beam stringers. On the other branches there are many constructed entirely of timber; the number, however, is being gradually reduced, the timber structures being replaced with concrete culverts, iron pipe and filling. Some rail stringers are used. The ties and guard timbers are in proper condition.

The arch and box culverts and iron pipe drains are generally in good condition on all the lines. A few were noted on the Elmira and Cortland branch where the ends of culverts are to some extent failing. Several have already been rebuilt or replaced with iron pipe and arrangements are made for taking proper care of the others.

Track.

The cross-ties are 6 x 9 inches, 8 feet in length and laid at the rate of 2,816 to a mile of track. On the Lehigh and New York branch they are 10 per cent. oak, 50 per cent. yellow pine, and 40 per cent. cedar; on the Auburn and Ithaca branch, 47 per cent. oak, 42 per cent. yellow pine, and 11 per cent. cedar; on the Elmira and Cortland branch, 20 per cent. oak, 30 per cent. yellow

pine, and 50 per cent. cedar. All the ties are full spiked, fairly well spaced and in sound condition.

The Lehigh and New York branch has 47.54 miles of main line track laid with 80-pound, 18.80 miles with 76-pound, 1.85 miles with 70-pound, 5.22 miles with 67-pound, 28.96 miles with 60-pound, and 13.00 miles with 58-pound steel rail. The 80-pound and the 76-pound rails are connected by angle plates 28 inches in length with six bolts, and the other weights of rail by angle plates 24 inches in length with four bolts. The rail is in fair condition generally and the lighter is being replaced with heavier rail.

The Auburn and Ithaca branch has 1.848 miles of main track laid with 60-pound and the remainder, 46.215 with 58-pound steel rail all connected by angle plates 24 inches in length with four bolts. The rail is in fair condition generally and renewals are being made as necessary. All connections are full bolted and bolts tight.

The Elmira and Cortland branch has 10.16 miles laid with 70-pound, 5.76 miles with 76-pound, 2.74 with 70-pound, 7.62 with 67-pound, 2.46 with 60-pound, and the remainder, 110.402 with 56-pound steel rail. The 80-pound rails and the 76-pound rails are connected by angle plates 28 inches in length with six bolts, and the other weights of rail by angle plates 24 inches in length with four bolts. The lighter rails are somewhat worn. A considerable quantity of second-use heavier rail has been put in replacing the light worn rail and arrangements are made for replacing more with the same class of rail.

All main track switches are split point; rigid and automatic stands are both in use. All have proper targets well painted. Switch and semaphore lamps show red light for danger and white for safety. Green is used for caution. On the Lehigh and New York and the Auburn and Ithaca branches, most main track frogs are spring rail. On the Elmira and Cortland branch the larger proportion of frogs are rigid. Derailing switches are in all tracks where their use appears necessary and the stands have proper targets.

The Lehigh and New York branch is ballasted lightly with gravel. Some new ballast has been put in and the ballasting is being continued.

The Auburn and Ithaca branch is ballasted with cinders and gravel generally in fair quantity and additional ballasting is also being done.

The Elmira and Cortland branch is lightly ballasted with gravel and cinders and some additional ballasting is also being done on that line.

The alignment and surfacing of the track is fair and the outer rail on curves about correctly elevated for the speed at which trains are scheduled.

The track sections of the Lehigh and New York branch are about six miles in length. The Auburn and Ithaca branch about seven miles in length and of the Elmira and Cortland branch, seven miles in length. The average force employed on each section is a foreman and four laborers. Regular track walkers are not employed, but all portions of the track are patrolled daily by some member of the section force and along the shores of Cayuga lake on the Auburn and Ithaca branch, the track is patrolled in advance of all trains both day and night. Each section gang is furnished with flags and lanterns.

Alignment, Grades and Curves.

All the roads composing this division are crooked and there are many sharp curves. The grades are also steep and somewhat broken; those of the Auburn and Ithaca branch being less so than the others, as for quite a portion of its length the track is along the shore of the lake.

The maximum curve of the Lehigh and New York branch is 10 degrees; of the Auburn and Ithaca branch 17 degrees; of the Elmira and Cortland branch 19 degrees, thirty minutes.

The maximum grade of the Lehigh and New York branch is 57 feet per mile; of the Auburn and Ithaca branch 61 feet per mile and of the Elmira and Cortland branch 127 feet per mile.

Grade Crossing of Railroads.

The Lehigh and New York branch crosses at grade one track of the Ithaca branch of the D., L. & W. R. R. at Owego. The crossing is protected by a semaphore signal and all trains are required to come to a full stop. One track

of the Elmira and Cortland branch at Freeville. The crossing is protected by a semaphore signal and all trains are required to come to a full stop. One track of the Auburn branch of the N. Y. C. & H. R. R. R. at Auburn, protected by a modern and complete interlocking plant. One track of the R., W. & O. division of the N. Y. C. & H. R. R. R. at Sterling Junction. Crossing is protected by a tilting board signal and all trains are required to come to a full stop. One track of the Auburn City Railway (Electric), in Auburn. There are no derailing switches in the track of the electric railway. There is a copper trough over the trolley wire, but it only extends a short distance beyond the tracks of the steam railroad and should be lengthened.

The Auburn and Ithaca branch crosses at grade, one track of the Ithaca Street Railway (Electric), near Ithaca. There are no derails in the track of the electric railway and the copper trough over the trolley wire extends but a very short distance beyond the track of the steam railroad. Another track of the same street railway is crossed in Ithaca. There are no derails in the track of the electric road at this crossing and the copper trough over the trolley wire is too short. One track of the Ithaca branch of the D., L. & W. at Ithaca; crossing is protected by a target signal and all trains are required to come to a full stop.

The Elmira and Cortland branch crosses at grade one track of the N. Y., O. & W. Ry. at Sylvan Junction. The crossing is made by means of switches, the trains of the Elmira and Cortland branch running upon the track of the N. Y., O. & W. Ry. for a distance of about 400 feet, then branch off upon the opposite side. The junctions and crossing are protected by semaphore signals that are interlocked. All trains are required to come to a full stop. Two tracks of the W. S. R. R. at Canastota. The crossing is protected by gates and all trains are required to come to a full stop. One track of the Chenango branch of the W. S. R. R. at Rippleton. Crossing is protected by a target signal and all trains are required to come to a full stop. One track of the S. R. & N. Y. branch of the D., L. & W. R. R. at Cortland Junction. Crossing is protected by a target signal and all trains are required to come to a full stop. One track of the Ithaca branch of the D., L. & W. R. R. at Caroline Junction. Crossing is protected by a target signal and all trains are required to come to a full stop. One track of the Ithaca branch of the Pennsylvania division at Van Etten Junction, protected by an interlocking plant. Two main tracks and two sidings of the main line of the D., L. & W. R. R. at Elmira. Crossing is protected by disc signals located on a tower and all trains are required to come to a full stop. One branch track connecting the D., L. & W. and Erie railroads at Elmira. Crossing is protected by target signals and all trains are required to come to a full stop. One branch track connecting the D., L. & W. leading to the freight house at Elmira. Crossing is protected by target signals and all trains are required to come to a full stop. At Cortland there is crossed one track of the Cortland and Homer Traction Company's Electric Railway. There are derailing switches in the track of the electric railway, but they are evidently not used, and there is no protection over the trolley wire. At Horseheads, one track of the Elmira Water, Light and Railroad Company's Electric Railway. There are derailing switches in the track of the electric railway, but no protection over the trolley wire. Another track of the same company's electric railway is crossed near Elmira. At this crossing there are derailing switches in the track of the electric railway, but no protection over the trolley wire.

Interlocking.

The only interlocking plants maintained are at the grade crossing of the N. Y., O. & W. Ry. at Sylvan Junction, and the grade crossing of the Ithaca branch at Van Etten Junction.

Right of Way.

The right of way is entirely cleared and free from rubbish. The only brush remaining is where left to protect slopes.

The fences are of wire and generally in good repair.

Highway Crossings.

The grade crossings of highways are well graded, properly planked and protected by signs of the diamond or triangular form suitably located and well painted. Cattle guards are of the wooden or metallic slat pattern. Quite a number were noticed that were out of repair.

The attention of the officials of the railroad company, who were with you, inspector, was directed to a few crossings where brush in the highway beyond the company's right of way, to some extent interferes with the view of approaching trains, and they were requested to take up the matter with the highway commissioners and have the brush removed.

Ten highway crossings of the Lehigh and New York branch are protected by flagmen, eleven by flagmen and gates and two by electric bells. Five crossings of the Elmira and Cortland branch by flagmen, one by flagman and gates and two by electric bells. One of the Auburn and Ithaca branch by an electric bell.

Block System, Etc.

The movements of trains are governed by the telegraphic train order system. Passenger trains are blocked from station to station and freight trains are spaced at stations. Mile posts are maintained and the whistle posts are at the prescribed distances from the highway crossings.

Stations, Etc.

The station buildings are in fair repair and while many of them are small they are apparently sufficient for the requirements. The station buildings are clean and neat and are furnished similar to those of the Pennsylvania division and the same remarks apply.

Equipment.

For equipment see remarks in report of inspection of Pennsylvania division.

Repairs and Improvements.

There have been many improvements made on each of the branches composing the division since the last inspection, August, 1904, the principle ones noted being as follows:

Lehigh and New York Branch.—Twenty per cent. of the cross ties have been renewed 35.86 miles of second use 80-pound rail laid replacing worn 60-pound rail; 2.15 miles of track rebalasted with gravel. Two light iron bridges have been replaced with stronger structures. Seven new steel and iron bridges erected, replacing wood trestles. One wooden culvert replaced with masonry and iron. Two wooden openings replaced with iron pipe and filling. Two wooden box culverts have been replaced with iron pipe. The wooden stringers to thirteen openings replaced with I-beams. Five stone box culverts replaced with iron pipe. Masonry to five bridges extensively repaired and light repairs made to other masonry. One new water tank built. Three new tool houses erected. Thirty-one station and other buildings repainted also, fifty bridges repainted, 17.80 miles of fence rebuilt and 7.50 miles extensively repaired.

Auburn and Ithaca Branch.—About twenty per cent. of the cross ties have been renewed. One twenty-four cast iron pipe put in eliminating an open culvert. Three open culverts have been repaired. Two cattle passes filled. The masonry to seven bridges, open culverts and cattle passes repaired, to six others, repointed, and to one entirely rebuilt. One new water tank and pump house erected. Seven station and other buildings repainted. 3.70 miles of fence rebuilt and 1.25 miles repaired.

Elmira and Cortland Branch.—About twenty per cent. of the cross ties have been renewed; 6.25 miles of second use 80-pound steel rail laid, replacing worn 56-pound rail; 3.97 miles of track has been rebalasted with gravel 5.42 miles with cinders. One lattice deck girder bridge put in replacing a

light iron bridge, and a deck plate girder, replacing timber trestle. Five trestle structures have been entirely renewed and eleven extensively repaired. One new trestle structure 69 feet in length, put in where there was formerly iron pipe and filling. Four wooden box culverts have been replaced with cast iron pipe. One stone box culvert with cast iron pipe. One brick arch with masonry and I-beams and one cast iron pipe with masonry and I-beams. The abutments to one bridge have been rebuilt and necessary repairs made to other bridge and culvert masonry. Two new tool houses have been erected. Necessary repairs made to station and other buildings and thirty-three of them repainted. Two iron bridges have also been repainted; 4.30 miles of new fences has been rebuilt and two miles extensively repaired.

Recommendations.

That necessary cleaning of ditches be done; that the pile docking supporting slopes on the Elmira and Cortland branch be rebuilt or the cuts widened and resloped; that the lighter bridges be replaced with stronger structures, notably, numbers 337 and 361 of the Lehigh and New York branch and light Phoenix bridges at Canastota and De Ruyter on the Elmira and Cortland branch; that the much worn rail on the Elmira and Cortland branch be replaced and that necessary repairs be made to cattle guards; that the brush within the lines of the highway in the vicinity of crossings where it interferes with the view of approaching trains, be removed.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that the recommendations made by the Board would be complied with. (No. 16 — 1906.)

LITTLE FALLS AND DOLGEVILLE RAILROAD.

(Reinspected July 19, 1906.)

On July 19, 1906, I reinspected the Little Falls and Dolgeville Railroad to ascertain if the recommendations of your Board in connection with my inspection report of 1905 had been complied with, and respectfully report as follows:

I find that the cuts referred to in the recommendations have been cleaned and are now in very fair condition; that very extensive repairs and renewals have been made to the trestle structures, about 65,000 feet b. m. of timber having been used for that purpose. Those structures are now in very good repair, are being carefully watched, and new timber is on hand for additional repairs and renewal.

A copy of this report was sent to the company. (No. 10 — 1906.)

LONG ISLAND RAILROAD.

(Inspected April 23, 24, 25, 26, 1906.)

I inspected the Long Island Railroad on April 23, 24, 25 and 26, 1906, and respectfully submit the following report:

The Long Island Railroad Company owns or controls, and operated 391.76 miles of railroad line on Long Island, divided as follows: Main line, from Long Island City to Greenport, 84.74 miles, with 25.12 miles of second, 5.3 miles of third and 5.3 miles of fourth main track, and 50.09 miles of sidings and yard tracks, 4.4 miles of the road, from Rockaway Road, Jamaica, to east of Queens being equipped for operation by electric power, third rail system; main line Montauk Division, from Long Island City to Montauk, 115.13 miles, with 35.84 miles of second and 2.42 miles of third main track, and 61.29 miles of sidings and yard tracks, 6.04 miles of the road, from Jamaica to Valley Stream, being equipped for operation by electric power;

North Side branch, from Winfield on the main line to Port Washington, 14.07 miles, with 2.95 miles of second main track and 4.25 miles of sidings and yard tracks; Whitestone branch, from Whitestone Junction on the North Side branch to Whitestone Landing, 4.87 miles, with 1.98 miles of sidings and yard tracks; Oyster Bay branch, from Mineola to Oyster Bay, 14.68 miles, with 3.60 miles of second main track and 5.31 miles of sidings and yard tracks; Wading River branch, from Hicksville to Wading River, 45.34 miles, with 8.59 miles of sidings and yard tracks; Hempstead branch from Mineola to Hempstead, 2.41 miles, with 1.27 miles of sidings and yard tracks; Central branch, from Great Neck Junction to Flushing, 0.24 miles, Creedmoor to Babylon, 22.51 miles, and Bath Beach Junction to Bath Beach, 1.93 miles, with 3.33 miles of sidings and yard tracks; New York Bay Extension branch, from Garden City to Valley Stream, 6.15 miles, with 0.53 miles of sidings and yard tracks; Bushwick branch, from Bushwick to Bushwick Junction, 2.45 miles, with 2.10 miles of sidings and yard tracks; New York, Brooklyn and Manhattan Beach, from Fresh Pond Junction to Manhattan Beach, 12.01 miles, double track, from Bushwick branch to Cooper Avenue Junction, 1.97 miles, single track, and from Bay Ridge to Manhattan Beach Junction, 4.34 miles, double track, with 14.89 miles of sidings and yard tracks; New York and Rockaway Beach Railway, from Glendale Junction to Rockaway Park, 10.31 miles, double track, 0.73 miles of third and also of fourth main track, and from Hammel's to New York and Rockaway Beach Junction, 1.43 miles, three main tracks, with 10.89 miles of sidings and yard tracks, 9.88 miles, from Woodhaven Junction to Rockaway Park and from Hammel's to New York and Rockaway Beach Junction being equipped for operation by electric power; Manor branch, from Manor to Eastport, 5.77 miles single track, with 0.31 miles of sidings and yard tracks; Sag Harbor branch, from Bridgehampton to Sag Harbor, 4.57 miles, single track, with 1.15 miles of sidings and yard tracks; Atlantic Avenue Division, from Flatbush avenue to Jamaica, 9.60 miles, double track, 1.79 miles of third and 1.70 miles of fourth main track, with 9.54 miles of sidings and yard tracks,—of sidings and yard tracks, 9.88 miles, from Woodhaven Junction to Rockaway Park and from Hammel's to New York and Rockaway Beach Junction being equipped for operation by electric power; Manor branch, from Manor to Eastport, 5.77 miles single track, with 0.31 miles of sidings and yard tracks; Sag Harbor branch, from Bridgehampton to Sag Harbor, 4.57 miles, single track, with 1.15 miles of sidings and yard tracks; Atlantic Avenue Division, from Flatbush avenue to Jamaica, 9.60 miles, double track, 1.79 miles of third and 1.70 miles of fourth main track, with 9.54 miles of sidings and yard tracks,—the entire line being equipped for operation by electric power; Far Rockaway branch, from Cedarhurst to Valley Stream, 3.24 miles, double track, Far Rockaway to New York and Rockaway Beach Junction, 2.08 miles, double track, and 2.09 miles of third main track, with 1.3 miles of sidings and yard tracks,—the entire line, 5.32 miles, being equipped for operation by electric power; Jamaica and South Shore Railroad, from Rockaway Junction to Springfield Junction, 3.17 miles of double track, and Cedarhurst to Far Rockaway, 2.29 miles, with 1.78 miles of second main track, and with 9.24 miles of sidings and yard tracks, 2.29 miles, from Cedarhurst to Far Rockaway, being equipped for operation by electric power; Long Beach branch, from Lynbrook to Long Beach, 6.46 miles of single track, with 1.04 miles of sidings and yard tracks—a total of 391.76 miles of line, 115.47 miles of second, 13.70 miles of third and 7.73 miles of fourth main track, 187.00 miles of sidings and yard tracks, 13.53 miles of track equipped for operation by electric power. The total of all tracks is 528.66 miles.

The main tracks are laid with steel rail of various weights, the heavier rail being used on the more important lines; 103.35 miles of main track are laid with 100-pound, 10.98 miles with 90-pound, 22.43 miles with 85-pound, 278.63 miles with 80-pound, 43.81 miles with 76-pound, 24.33 miles with 70-pound, 4.83 miles with 62½-pound, 11.53 miles with 61-pound, 9.65 miles with 60-pound, and the remainder, 19.13 miles, with 56-pound rail. The 100-pound, 90-pound, 80-pound, 76-pound, and 70-pound rails are connected by angle plates

29 inches in length with six bolts, the 85-pound rails by angle plates 34 inches in length with six bolts, the 62½, 61, and 60-pound rails by angle plates 29 inches in length with four bolts, and the 56-pound rails by angle plates 29 inches in length, partly with four and the remainder with six bolts. The rail on the important lines is in first-class condition, on the less important lines, laid with the lighter rail, the rail is in from fair to good condition and renewals are being made as necessary. The rail on the portions of the Central branch operated over by freight trains only, is in the poorest condition, but is fair for the purpose for which it is used. The angle plates are full bolted and no loose bolts were observed.

The general alignment of the main lines is good, and most curves light; on some of the branch lines the curves are frequent and sharp, especially on the Wading River, Oyster Bay and North Side branches. The grades of the main lines are generally light and regular; on some of the branch lines the grades are steep and somewhat broken; the steepest grade is on the New York and Manhattan Beach line and is 169 feet per mile. This line of road is being practically rebuilt and grades lowered or raised so as to eliminate all grade crossings of highways and electric roads, as well as the grade crossing of its Atlantic avenue division at East New York. Changes of grade and alignment are also arranged for on various other portions of the main line and branches. The roadway is well graded and the drainage system good.

The steel and iron bridges are in first-class condition except that quite a number of them should be repainted to prevent injury from rust. The bridge floors are standard and well maintained. Inside guard rails are maintained on all bridge, trestle and culvert structures open to grade. The overhead highway and farm bridges are properly maintained and all overhead obstructions are protected by warning signals, in good condition. The trestle structures, of which there are a considerable number, and some of them long, notably on the Rockaway Beach branch, which is about four miles in length; all are of standard construction and in good general repair. Nearly all open culverts and cattle passes have masonry and I-beam stringers; a few are constructed entirely of wood. None were observed that were not in proper repair. The floors are standard and well maintained. The arch and box culverts and iron pipe drains are in proper condition.

The cross-ties—about 50 per cent. yellow pine, 25 per cent. chestnut, 15 per cent. oak, and 10 per cent. cedar—are 6 x 8 inches, 8 feet in length, and laid at the rate of 2,816 to the mile of track. The ties are in good life, necessary renewals having been made, are full spiked and very well spaced. Tie plates are extensively used, especially on the soft wood ties and around curves.

The main track switches are split point and have rigid stands with well painted targets. Many outlying and obscure switches, not connected with interlocking, are protected by distant signals interlocked with the switch stands. The frogs used with the heavy rail are spring rail; with the older, lighter rail; rigid frogs are still in use. All frogs and switches are properly maintained. Derailing switches are in all sidings connected with the main track upon which cars are left standing, where the grade descends toward the main track, and the stands are equipped with targets. Switch and semaphore lamps show red light for danger, green for safety, and yellow for caution.

The general alignment and surfacing of track are good, and the outer rail on curves properly elevated for the speed at which trains are scheduled.

The important lines are well ballasted with gravel, sand and cinders, the less important ones in some cases lightly ballasted with the same class of materials.

There are thirty-six grade crossings of electric railroads; twenty-four of them are protected by regular interlocking plants and at the remaining twelve the conductors of the electric road are required to pilot their cars across the tracks of the steam railroad.

All junctions, grade crossings of its own tracks, and important yards are protected by interlocking plants. The movements of trains on all lines are governed by the block system; on the principal portions of the important

The track is ballasted with gravel in from medium to fair quantity and additional ballast is now being put in.

The alignment and surfacing of the track are fair for the slow speed at which the trains run (20 miles per hour).

The right of way is entirely cleared of trees and brush, and well fenced with wire. The highway crossings are properly graded, planking in good condition, and are protected by signs of the diamond form. Cattle guards are on hand but have not yet been placed.

The station buildings are of wood, are of tasty design, and apparently ample for the requirements. The waiting rooms are clean and neat, water for drinking is provided, and time tables are posted. Station and train employees are uniformed.

The equipment is in very good condition, and consists of two locomotives, one coach, one combination car, one box car and four flats; all have automatic couplers and air brakes.

Recommendations.

That inside guard rails be maintained on all the bridges and trestles exceeding 20 feet in length; that guard timbers be promptly put on all the open culverts and cattle passes; that the worn 60-pound rail be replaced, and that the cattle guards and guard fences be put in as promptly as possible.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company informed the Board that it would comply with the recommendations. (No. 14—1906.)

MASSENA TERMINAL RAILROAD.

(Inspected October 23, 1906.)

On October 23, 1906, I inspected the Massena Terminal Railroad, and respectfully submit the following report:

The Massena Terminal Railroad connects with the main line of the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad at Massena Springs, and extends to the power plant of the Pittsburgh Reduction Company on Grass river, a distance of approximately 1.50 miles and has 0.50 miles of sidings.

The roadway is fairly well graded and properly drained.

The iron bridges, of which there are two—one across the Raquette and the other the Grass river—are in good condition, are well painted, have standard ties and guard timbers, and are in fair repair. Inside guard rails are not maintained. The masonry is in good condition. The open culverts and cattle passes are constructed entirely of timber—mainly of hemlock. The stringers are too light and additional ones should be put in. The attention of the superintendent of the railroad was directed to this, as well as other defects, and he advised that immediate attention would be given and the necessary improvements made. Common ties are used on the openings, with no guard timbers. There are no arch or box culverts.

The cross-ties—practically all cedar—from 6 to 8-inch face, 6 inches in thickness and 8 feet in length; they are laid at the rate of about 2,816 to the mile of track. Many decayed ones were observed and at least 20 per cent. should be promptly renewed. They are fairly well spaced and full spiked. The track is laid with mixed 60 and 70-pound steel rail, connected partially by angle and partially by fish plates about 24 inches in length with four bolts. The rail is somewhat worn, but in fair condition for the manner in which the road is operated, entirely for switching purposes and at very slow speed. Some track bolts are missing and many were observed that were loose. There is one stub switch; all the remainder are split point. They are in fair condition and the stands have targets. The frogs are rigid.

The track has very little ballast, is in poor alignment and surface, and needs attention.

There are no trees or brush on the right of way. Fences are generally in poor condition. The highway crossings are in fair condition. No cattle guards are maintained, and there are no crossing signs.

The road maintains no stations, owns no motive power nor rolling stock. The road is used for switching purposes and operated by the men and with the motive power and equipment of the New York Central and Hudson River Railroad.

Recommendations.

That inside guard rails be placed on the bridges; that additional stringers be put in the open culverts and cattle passes and proper ties with guard timbers be put on; that 20 per cent. of the cross-ties be renewed; that all the connections be full bolted and bolts made tight; that the stub switch be replaced with a split point switch; that sufficient ballast be put in that the track may be kept in proper alignment and surface and that the track be promptly resurfaced and realigned; that the fences be put in proper condition, that cattle guards with proper guard fences be maintained at the highway crossings and crossing signs be placed at each crossing.

Note.—Apparently little if any work has been done on this track for a considerable time. A small section gang had been working for a day or two previous to the inspection and the superintendent of the railroad advised that a force of at least twenty men would be put on at once, and the road put in proper condition as recommended.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied that it would carry out all the recommendations. (No. 26—1906.)

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

I have made an inspection of the Harlem line, Harlem, Eastern, Middle, Western, River, and Rome, Watertown and Ogdensburg divisions of the New York Central and Hudson River Railroad, and respectfully submit the following report:

Harlem Line — Harlem Division.

(Inspected Sept. 10, 11, 12, 1906.)

The Harlem line and main line of the Harlem division extends from the Grand Central station, New York city, to Chatham, a distance of 127.45 miles; from Grand Central station to Golden's Bridge, a distance of 43.43 miles, there is a second main track, and from Grand Central station to Woodlawn, third and fourth main tracks; the length of the third main track is 12.88 miles and of the fourth 12.17 miles. There are approximately 76.10 miles of sidings and yard tracks. The Lake Mahopac branch of the Harlem division extends from Golden's Bridge to Lake Mahopac, a distance of 7.22 miles, single track, and has 1.44 miles of sidings and yard tracks. The Port Morris branch of the Harlem division extends from One Hundred and Sixty-second street to Port Morris, a distance of 1.85 miles, and has 0.64 miles of second main track and 6.50 miles of sidings and yard tracks. The Port Morris branch is used only for freight purposes,—the handling of cars between Mott Haven and Port Morris yards; the track is laid partially with 80 and partially with 65-pound steel rail. This branch is in proper condition for the purposes for which it is used and will not be considered farther in this report.

Roadbed.

The roadway of both main line and branch is well graded and thoroughly drained. Sub-drains are in use in the ditches of wet cuts and are found very beneficial. Grading is well under way for continuing second main track from

Golden's Bridge to Brewster, a distance of about 8 miles. From the southerly end of the Park Avenue tunnel the Grand Central station yard is being entirely changed and extended. Very important changes, and additions are being made to the yard and track in the vicinity of Woodlawn in connection with the installation of the third rail electric system from Grand Central station to Wakefield, which is in progress and nearly completed, and quite an extensive yard for electric terminal is being made at the latter named point.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges are in good condition, designed to carry with proper factor of safety all classes of motive power and rolling stock in use on the system. Many solid flood bridges have been put in, with track ballasted over them. Those with open floors have standard ties and guard timbers, in first-class repair. Inside guard rails are maintained on all. The masonry is in good condition. Concrete is extensively used for abutments, piers, retaining walls, etc. The drawbridge over the Harlem river is not only protected by automatic electrical block signals but by breakable semaphore signals, so placed that should the engineer fail to stop before reaching them they will strike against the front of the locomotive,—insuring his attention being called to the necessity of stopping promptly. The only wooden span bridges are those used for overhead highway and farm crossings; they are properly maintained and all that are less than 21 feet; above the track are protected by warning signals. The attention of the officials who accompanied your inspector was directed to several places where warning signals were in need of repair and assurance given that they would receive proper attention.

The only timber trestle in the roadway is one of two spans of pile bents north of Pawling; it is of standard construction and in good repair. All other pile trestles have been replaced with masonry and iron bridges or concrete arch or box culverts and filling, and this one is designed to be replaced in like manner as soon as it requires attention.

Nearly all the open culverts and cattle passes have either been replaced with concrete arches or boxes, iron pipe and filling, or covered with iron and concrete and the track ballasted over them, eliminating the openings to grade. Those remaining open to grade have I-beam stringers and standard ties and guard timbers, in good repair. The arch and box culverts and iron pipe drains are apparently all in good condition.

Track.

The standard cross-ties are six by nine inches, 8 feet in length, and laid at the rate of 2,816 to a mile of track; they are properly spaced, full spiked, and the general condition good, necessary renewals having been made; on the main line they are about 50 per cent. yellow pine, 20 per cent. oak and 30 per cent. chestnut; on the Lake Mahopac branch 25 per cent. yellow pine and 75 per cent. chestnut. The main line (Grand Central station to Chatham) has 48.68 miles of main track laid with 100-pound, 38.39 miles with 80-pound, and 59.29 miles with 65-pound steel rail. The rails are connected by angle plates thirty-six inches in length with six bolts. The 100-pound rail is in first-class condition, the 80-pound rail in good condition; a portion of the 65-pound rail is becoming somewhat worn and is being replaced with heavier rail as fast as apparently necessary. The Lake Mahopac branch has 1.65 miles of main track laid with 80-pound, and the remainder, 5.57 miles, with 65-pound steel rail. The 80-pound rail is in good condition; the 65-pound rail is somewhat worn but in very fair condition for the traffic maintained. The rails are connected by 36-inch angle plates with six bolts. All connections are full bolted and no loose bolts were observed on either main line or branches.

All the main line switches are split point, and nearly all have rigid stands; all have targets well painted. All outlying and obscure switches,

where not protected by the automatic electrical block system, have distant signals, interlocked with the mechanism of the switch or operated electrically. Switch and semaphore lamps show red light for danger, white for safety and green for caution; the system of signaling, however, is undergoing change on this division as is contemplated on all other divisions: Red will be used for danger, green for safety and yellow for caution. This will, in my estimation, be the proper method. There is now such a multiplicity of white lights about railroad tracks that the use of white for a safety signal is attended with some danger. For instance, the spectacle of a semaphore signal has a red glass and behind that a lamp with a white lens; should by accident the red glass in the spectacle be broken out the signal would show safety for an approaching train when danger was intended. Also, in case a switch or semaphore lamp is extinguished and an electric or other lamp is in its immediate vicinity or in line with it, the danger of mistaking that light for a clear signal is great. Therefore, the necessity, in my opinion, of using other than a white light for a safety signal.

The main track frogs are spring rail and properly maintained. Derailing switches are in all sidings connecting with the main track on which cars are left standing, where the grade descends toward the main track or where there is danger of cars being pushed from the opposite end of the switch so as to foul the main track. Many of these derailing switches are interlocked with the main track switch stand and those which are not have proper targets.

The main line track from Grand Central station to Golden's Bridge is well ballasted with broken stone and for the remainder of the distance to Chatham with gravel and cinders in fair quantity; the Lake Mahopac branch is lightly ballasted with gravel and cinders.

The main line track sections are about 3.86 miles in length; on the Lake Mahopac branch the track sections are 7.21 miles in length; the force employed on each section consists of a foreman and three men in winter and a foreman and five men in summer. Regular track-walkers are not employed, but all portions of the track are regularly patrolled. Each section gang is furnished with flags, lanterns and torpedoes for protecting their work.

Alignment, Grades and Curves.

The alignment and surfacing of the track are first-class, and the outer rail on curves properly elevated for the speed at which trains are scheduled. Much of the main line and also of the Lake Mahopac branch is considerably crooked, and curves frequent but not generally sharp; the maximum curve in the main line is five degrees, at One Hundred and Thirty-second street,—of the Lake Mahopac branch eleven degrees, twenty-eight minutes, at Melrose. The grades of the main line are generally light and regular—the maximum is sixty-six feet per mile, at the south end of Park Avenue tunnel; the grades of the Lake Mahopac branch are steep and somewhat broken,—the maximum is 117 feet per mile, near Somers Center.

Grade Crossings of Railroads.

The following railroads are crossed at grade by the main line: One track of the Union Railway (electric) at White Plains; there are no derailing switches in the track of the electric road nor protection over the trolley wire. One track of the Newburgh, Dutchess and Connecticut Railroad at Millerton; the crossing is protected by gates and all trains are required to come to a full stop before crossing. One track of the Central New England Railway at Boston Corners; the crossing is protected by gates and all trains are required to come to a full stop before crossing. By the Lake Mahopac branch, one track of the Putnam division at Lake Mahopac; the crossing is protected by semaphore signals and all trains are required to come to a full stop before crossing.

Interlocking.

There are on the main line twelve interlocking plants with a total of 487 levers, controlling the movements of trains in yards, cross-overs, junction points, etc.

Right of Way.

The right of way is free from trees, brush and rubbish, and is fenced with wire, board and stone wall. Places were observed where repairs are needed, although the general condition is fair.

Highway Crossings.

The highway crossings are well graded, planking in good condition, and are protected by signs mainly of triangular form, suitably placed and properly painted. The cattle guards are metallic slats; a few are lacking and others need repairs. A few highway crossings were noted, and attention directed to them, where brush outside the company's right of way to some extent hides the view of approaching trains and the officers of the company were requested to have such obstructions removed wherever permission could be obtained. Eleven highway crossings of the main line are protected by flagmen and gates, nine by flagman and twenty-one by electric bells; there are sixty-seven crossings protected by crossing gates only. On the Lake Mahopac branch one crossing is protected by a flagman and seven by crossing gates only.

Block System.

From the Grand Central station to Fifty-sixth street, the movements of trains are governed by the electro pneumatic block signal system; from Fifty-sixth street to Wakefield by the manual controlled block system; from Wakefield to Golden Bridge by the electro pneumatic block signal system; from Golden Bridge to Chatham by the telegraphic block system. The movements of trains on the Lake Mahopac branch are governed by the telegraphic block system.

Stations, Etc.

The station buildings are in good repair; waiting-rooms clean and neat; water for drinking is provided, and time-tables are posted in the waiting-rooms. Fire extinguishers are furnished at all stations, and at those where there is a fire system, hose is kept for protection against fire. The station platforms are of plank, gravel, stone screenings and concrete, and are properly maintained. The station grounds are well kept, and at a few of the more important ones are lawns with ornamental plants, shrubs and flowers. All station employees are uniformed and wear a badge indicating their employment.

Note.—For equipment, see general remarks at end of this report.

Repairs and Improvements.

The principal repairs and improvements noticed as made since the last inspection (September, 1904) are as follows: Very extensive work has been done for remodeling and extending the Grand Central station yard, and from Grand Central station to Wakefield, the third rail system for electric operation has been practically completed. The second main track has been extended about 6.60 miles, Bedford to Golden's Bridge, and everything is well under way for extending it to Brewster, about six miles further. An extensive yard for terminal of electric operation is practically completed at Wakefield. Considerable changes, improvements and additions have been made to various yards along the line of the road, and passing tracks extended; in this work about fourteen and one-half miles of new tracks have been laid. About sixteen per cent. of the cross-ties in main line track have been renewed, and ten per cent. of those on the Lake Mahopac branch. On the main line 14.40 miles of 100-pound rail have been laid, replacing worn 80-pound rail, and 8.50 miles replacing worn 100-pound rail; 9.50 miles of new 80-pound rail, replacing worn 65-pound rail; 16.50 miles of relaying 80-pound rail, replacing worn 65-pound rail; 15.40 miles of main line track have been rebalasted with broken stone and 17 miles with cinders. Four light iron bridges have been replaced with stronger structures; one I-beam bridge replaced with solid floor; three timber trestles replaced with steel bridges;

four open culverts and cattle passes have been rebuilt; four replaced with rail floors and concrete, and one has been filled; one stone culvert has been replaced with iron pipe. The masonry has been rebuilt to one bridge and necessary repairs and changes made to other masonry. Ten new passengers stations and six other station buildings have been erected; seven station buildings enlarged; two coal platforms built and one new water tank. Several new interlocking plants have been constructed and others enlarged and improved. Twenty-two iron bridges have been repainted, and all station buildings needing it. Eleven miles of fence have been rebuilt and six and one-half miles extensively repaired.

Recommendations.

That the warning signals at overhead obstructions be put in proper repair; that necessary renewals and repairs be made to fences; that the missing cattle guards be supplied and repairs made to others needing them.

Eastern Division.

(Inspected September 11 and 12, 1906.)

The main line of the Eastern division extends from Mott Haven Junction to Rensselaer, a distance of 135.40 miles, with 135.46 miles of second and 28.26 miles of third main track, and approximately 117 miles of sidings and yard tracks. The Thirtieth street branch connects with the main line at Spuyten Duyvil and extends to St. John's Park, 12.41 miles, with 12.37 miles of second main track and 56.40 miles of sidings and yard tracks. The New York and Putnam Railroad extends from One Hundred and Fifty-fifth street, New York, to Putnam Junction on the main line of the Harlem division, 53.67 miles, with 5.11 miles of second main track and 14.50 miles of sidings and yard tracks. The Yonkers branch extends from Van Cortland, on the main line of the New York and Putnam Railroad, to Yonkers, a distance of 3.10 miles, double track, and has 0.16 miles of sidings and yard tracks. The Mahopac Falls branch extends from Baldwin Place, on the main line of the New York and Putnam Railroad, to Mahopac Falls, a distance of 2.05 miles, single track, and has 0.27 miles of sidings and yard tracks.

Roadbed.

The main line is well graded and thoroughly drained, tile drains being used in wet cuts. Very extensive work has been done in the construction of two additional main tracks from Mott Haven Junction to Spuyten Duyvil and an extensive yard at Kings Bridge, which is to be for the present the western terminal of the electric operations. The grading is also nearly completed and tracks being put down for four additional tracks between Spuyten Duyvil and Yonkers, and two additional tracks between Yonkers and Croton. Grading is under way for an extensive yard at Croton. Very heavy rock excavation has been made at various points between Peekskill and Garrison, to move the tracks farther away from the river. Grading is well under way for two additional tracks through Poughkeepsie. The grading for and laying an additional track near Rensselaer to a point near Castleton is nearly completed, and grading has been done at various points for additional tracks and improvement of the alignment. Very extensive riprapping has been done at a great many points along the river to protect slopes of embankments. Retaining wall have also been built at numerous places to support slopes. The Thirtieth street branch is well graded and the drainage system good. Improvements have also been made at various places on this line for additional tracks, etc. The New York and Putnam railroad is fairly well graded; the ditches are clean; a few of the cuts are narrow and in places slopes are upheld by retaining walls. When last inspection was made (September, 1904) some slope walls were found failing; much of this wall has been rebuilt and men are at present engaged rebuilding whatever other portions are required. The Yonkers branch is well graded and fairly drained. The Mahopac Falls branch is fairly well graded and properly drained.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Box Culverts and Iron Pipe Drains.

The steel and iron bridges of the main line are in first-class condition and well painted. Many of them are constructed with solid floor. Those with open floors have standard ties and guard timbers, in good repair. Inside guard rails are maintained on all. The masonry is in first-class condition. The drawbridge at One Hundred and Fifty-fifth street, New York city, is being filled, the right to do so having been obtained. The drawbridge at New Hamburg is protected by breakable semaphore signals. There is but one iron bridge on the Thirtieth street branch, and that is the one over the Harlem river; it is in first-class condition throughout and the draw is protected by breakable semaphore signals. A portion of the bridges on the New York and Putnam railroad are of light construction, but in good condition and sufficient for the class of motive power and rolling stock used on that road, and the lighter ones have been or are being replaced. All have standard ties and guard timbers and inside guard rails. The masonry is generally good and repairs or renewals are being made as necessary. A few bridges were observed that were supported on bents pending renewal of the masonry. The bridges of the Yonkers branch are of the same class and in the same good condition as those of the main line New York and Putnam railroad, and the masonry to all is good. There are no bridges on the Mahopac Falls branch. There are no wooden bridges in the roadway of any of the lines, and the overhead bridges for highway and farm crossing, both wood and iron, are in good condition, and all that are less than twenty-one feet above the track as well as all other overhead obstructions of like character are protected by warning signals. A few of the warning signals were observed that are in need of repair.

There are no timber trestles in the roadway of the main line, Thirtieth street branch or Mahopac Falls branch. There is an extensive trestle near Crafts, on the New York and Putnam railroad; it is of framed bent construction, about 1,100 feet long and maximum height of 40 feet. This trestle is getting old and is being repaired where necessary; it is expected to be filled or replaced with a viaduct in the near future. There are two or three short and low pile trestles yet remaining; they are in good condition. There is one framed bent trestle on the Yonkers branch; it is of standard construction and in first-class repair.

All open culverts and cattle passes of the main line have been covered with metal or concrete or replaced with concrete arch or box culverts or iron pipe filling. There are none on the Thirtieth street or Yonkers branches. On the New York and Putnam railroad there are a few, constructed entirely of timber, but most of them have comparatively good masonry and I-beam stringers; a little of the masonry was not well constructed, and is being renewed; there are a few with timber stringers but all are sufficient; the ties and guard timbers are standard and in good repair. Those on the Mahopac Falls branch are low structures with fair masonry and rail stringers; the ties and guard timbers are in good condition.

The arch and box culverts and iron pipe drains of all the lines are in from fair to good condition, and renewals or repairs or replacing with iron pipe or concrete culverts are being made as occasion requires.

Track.

The cross-ties are 6 x 9 inches, 8 feet in length: on the main line they are laid at the rate of 3,168 to the mile of track and on the other lines at the rate of 2,816 to the mile of track; they are in good condition on all the lines excepting the Mahopac Falls branch, where about 10 per cent. need renewal. In the main line and Thirtieth street branch they are all yellow pine; in the track of the New York and Putnam railroad about 21 per cent. yellow pine, 12 per cent. oak and 67 per cent. chestnut; in the Yonkers branch 41 per cent. yellow pine, 20 per cent. oak and 39 per cent. chestnut; in the Mahopac Falls branch 50 per cent. yellow pine and 50 per cent. oak. Two

hundred and eighty-nine and twenty-six-hundredths miles of the main line track are laid with 100-pound and the remainder, 10.30 miles, with 80-pound steel rail, connected by angle plates 36 inches in length with six bolts. The rail is in good condition, all connections full bolted and bolts tight. The Thirtieth street branch has 15.08 miles laid with 100-pound, 6.12 miles with 80-pound, and 3.58 miles with 65-pound steel rail. The 100 and the 80-pound rails are in good condition; the 65-pound rail is somewhat worn and is being replaced as necessary. All the connections are full bolted and no loose bolts were observed. Six and twenty-six-hundredths miles of the New York and Putnam railroad are laid with 80-pound, 3.87 miles with 76-pound, 21.56 miles with 65-pound, and the remainder, 27.09 miles with 60-pound steel rail. The 60-pound rails are connected by angle plates 22 inches in length with four bolts, and the other weights of rail by angle plates 36 inches in length with six bolts. The lighter rail is somewhat worn, but is in fair condition for the traffic and speed maintained. All connections are full bolted and very few loose bolts were observed. The Yonkers branch has 0.91 miles laid with 80, 0.04 miles with 65, and the remainder, 5.25 miles, with 60-pound steel rail. The 60-pound rails are connected by angle plates 22 inches in length with four bolts, and the other weights of rail by angle plates 36 inches in length with six bolts. The rail is in very good condition, all angle plates full bolted and bolts tight. The Mahopac Falls branch is laid entirely with 60-pound steel rail, connected by angle plates 22 inches in length with four bolts. The rail is considerably worn and some track bolts were observed to be missing. This branch is used only for local freight and slow speed is maintained.

All main track switches are split point; those on the main line and Thirtieth street branch are protected by interlocking or are electrically locked. Rigid and automatic stands are both used on the main lines. Outlying or obscure switches on those lines are protected by distant signals interlocked with the switch stands. Spring rail frogs are used almost entirely on all excepting the Mahopac Falls branch — on that line rigid frogs are used. All are in good condition. Derailing switches are in all tracks where their use appears to be necessary, and in nearly all cases are interlocked with the main track switch stands where not connected with interlocking.

The main line is ballasted for nearly all its length with a good quantity of broken stone, and broken stone ballast is being put in for the remainder of the distance. The Thirtieth street branch is ballasted with stone, gravel and cinders, in good quantity. The New York and Putnam railroad and Yonkers branch are ballasted with gravel and cinders in from fair to good quantity. The Mahopac Falls branch is lightly ballasted with gravel and cinders.

The main line track sections average 2.71 miles in length of road and the force employed on each consists of a foreman and three laborers in winter and seven in summer. The sections of the Thirtieth street branch average 1.77 miles in length, and the average force on each is a foreman and six laborers in winter and eleven laborers in summer; of the New York and Putnam railroad, 5.02 miles in length, and the average force is a foreman and three laborers in winter and four in summer; of the Yonkers branch 3.10 miles in length, and the average force is a foreman and four laborers in winter and five in summer; of the Mahopac Falls branch 2.05 miles in length, and the force is a foreman and two laborers in winter and four laborers in summer. On the main line there are maintained forty regular track walkers and forty-seven slope watchmen; on the remaining portions of the division regular track walkers are not employed, but all portions of the road are patrolled regularly each day.

Alignment, Grades and Curves.

The alignment and surfacing of the main line tracks are first-class; of the Thirtieth street branch, the New York and Putnam railroad and the Yonkers branch good, and the outer rail on curves is properly elevated for the speed at which the trains operate. The alignment and surfacing of the

Mahopac Falls branch are only ordinary, but as before stated this branch is used only for local freight and trains operate very slowly over it. The alignment of the main line along the Hudson river is crooked and some curves necessarily rather sharp; most of them, however, are moderately light; the maximum is seven degrees and five minutes, at Poughkeepsie. The Thirtieth street branch is also considerably crooked, and while most curves are moderate there are a few sharp ones—there being one at Canal street of thirty-three degrees and thirty minutes; this portion of the line, however, is operated only for switching purposes. The New York and Putnam railroad is crooked for much of its length, and many of the curves fairly sharp; the maximum is eight degrees, of which there are several. The Yonkers branch is also pretty crooked near the Yonkers end, with a maximum curve of sixteen degrees, at Getty Square, Yonkers. The Mahopac Falls branch has no sharp curves excepting at its connection with the main line at Baldwin Place, which is twelve degrees and nine minutes. The grades of the main line are regular and generally light, the maximum being about thirty-nine feet per mile, at Mott Haven Junction; of the Thirtieth street branch they are also generally light, the maximum being 50.6 feet per mile, at St. John's Park; of the New York and Putnam railroad they are steep and somewhat broken, the maximum being about 134 feet per mile, at East View; of the Yonkers branch fairly steep, the maximum being ninety feet per mile, at Park Hill; of the Mahopac Falls branch also steep, the maximum being about ninety-two feet per mile.

Grade Crossings of Railroads.

The main line crosses at grade one track of the Cold Spring Iron Company's railroad at Cold Spring, and two tracks of the Hudson branch of the Boston and Albany railroad at Hudson; each of the crossings is protected by an interlocking plant. When the last inspection was made three tracks of the Boston and Albany railroad crossed at grade at Hudson; one of those crossings has since been eliminated. The Thirtieth street branch crosses in New York city, where the movements of trains are extremely slow, several street railroad tracks, protected by flagging. The New York and Putnam railroad crosses one track of the Union railway (electric) at Dunwoodie;—there are no derails in the track of the electric railroad nor protection over the trolley wire; one track of the Union Railway at Nepperhan;—there are derailing switches in the track of the electric road; the derailing switch on the westerly side of the crossing, however, is too close, and should be moved farther back. There is no protection over the trolley wire. This, in my opinion, is a very dangerous crossing, and should be eliminated. The steam railroad is on a curve, necessitating considerable elevation of the outer rail. The trolley road at that point is turning in a direction which makes the elevation of the rail of that road on the inner rail. Derailments of the trolley cars at this point have not been infrequent. The view approaching on the steam railroad tracks from the southerly direction is obscured, and should an electric car be derailed at the crossing, with a train on the steam road from the southerly direction near it, the obstruction could not be seen by the engineman of the steam train in time to prevent colliding with the derailed car. One track of the Tarrytown, White Plains and Mamaroneck railway (electric) is crossed at Elmsford; there are derailing switches in the track of the electric road and a copper trough over the trolley wire, but it is too short. One track of the Lake Mahopac branch of the Harlem division is crossed at Lake Mahopac; the crossing is protected by a semaphore signal and all trains are required to come to a full stop before crossing.

Interlocking.

There are 102 interlocking plants on the main line, with a total of 1,451 levers, protecting yards, cross-overs, center tracks, etc.; two on the New York and Putnam railroad, with twenty-two levers, protecting yard and the connection of the Yonkers branch.

Right of Way.

The main line right of way, while narrow, is free from trees, brush and rubbish excepting in a few places where small brush has been left to protect slopes; the right of way of the other lines is also free from trees, brush and rubbish. On the main line fences are only maintained opposite grazing land; at such places they are generally in good condition. No fences are maintained, or necessary, on the Thirtieth street branch. The New York and Putnam railroad is fenced with wire, generally in fair repair; on the Yonkers branch fences are only maintained opposite grazing land; on the Mahopac Falls branch the fences are somewhat out of repair.

Highway Crossings.

The grade crossings of highways are well graded, planking in good condition, and are protected by signs mainly of the diamond form, properly located and well painted. No cattle guards are maintained, or apparently necessary, on the main line or Thirtieth street branch or Yonkers branch. On the New York and Putnam railroad wood or metallic slat cattle guards are in place at each boundary of the highways crossed at grade. On the Mahopac Falls branch none are required. Forty-five highway crossings of the main line are protected by flagmen and gates, thirty-seven by flagmen, eleven by electric bells and ten by crossing signs only; eight of the Thirtieth street branch by flagmen and gates, seventy-one by flagmen, and seventeen unprotected; ten of the New York and Putnam by flagmen and gates, five by flagmen, eight by electric bells and thirty-four by crossing signs only; the only crossing of the Yonkers branch by a flagman. There are three crossings of the Mahopac Falls branch, protected by crossing signs only.

Block System.

The movements of trains on the main line are governed by the manual controlled block system; on the New York and Putnam railroad from One Hundred and Fifty-fifth street to Van Cortland, and on the Yonkers branch from Van Cortland to Yonkers, by the automatic electric block system, and on the remaining portions of line by the telegraphic block system.

Stations, Etc.

The station buildings are in good repair, the sanitary condition good, and are equipped similarly to those on the Harlem line and Harlem division, and the same remarks apply.

Note.—For equipment, etc., see general remarks at the end of this report.

Repairs and Improvements.

Among the principal repairs and improvements noticed as made since the last inspection (September, 1904) are the following: Grading nearly completed and two additional main tracks being laid between Mott Haven Junction and Spuyten Duyvil; four additional tracks between Spuyten Duyvil and Yonkers, and two additional tracks well under way between Yonkers and Croton. Quite extensive terminal facilities, including round-house, at High Bridge, which is to be the present western terminal of electric operation. The third rail system of electric appliances has been practically completed between Mott Haven Junction and Kings Bridge. The route has been changed in the vicinity of Kings Bridge, shortening the road about three-quarters of a mile, reducing curvature and eliminating seven grade crossings of highways. Heavy rock excavation has been done and tracks moved away from the river at various points between Peekskill and Garrison. Extensive grading done for yard at Croton. Grading for two additional tracks well under way through Poughkeepsie. Grading done and additional tracks nearly completed from south of Remselaer to near Castleton. Very heavy riprapping done at

numerous points along the Hudson river to protect embankments. Concrete retaining walls built at very many points along the line, particularly where additional tracks are to be put in, to protect slopes. Riprap wall put in at Tivoli, and line being straightened to reduce curvature. Minor improvements of like character have been made at other places. On the Thirtieth street branch riprap wall has been put in in places and extra filling done for additional tracks, etc. On the other lines there have also been improvements made in the roadway, widening embankments and cuts, constructing retaining walls, and adding to yards, passing tracks, etc. About fifty-five miles of additional sidings, yard tracks, etc., have been added to the main line, four miles to the Thirtieth street branch, and two miles to the New York and Putnam railroad. Approximately fifteen per cent. of cross-ties have been renewed. Twenty-six and twenty-seven-hundredths miles of new 100-pound rail have been laid on main line, replacing worn 100-pound rail, and 57.60 miles replacing worn 80-pound rail. No general renewal of rails has been made on the other lines, but those needing it have been replaced. About sixty-four and one-half miles of main line track have been rebalasted with broken stone; lighter repairs have been made to ballasting on the other lines. On the main line three open culverts have been covered, one opening filled, and two stone culverts replaced with iron pipe. On the New York and Putnam railroad a very extensive bridge of about 389 feet span has been replaced with a stronger structure; two small trestles have been rebuilt; one open culvert replaced with cast iron pipe and filling and another with rail floor covering. The masonry to one cattle passes has been rebuilt and necessary repairs and renewals have been made to bridge and culvert masonry. Six new stations have been built on the main line, and sixteen other station buildings; one station has been enlarged and two coal platforms constructed. One station on the Thirtieth street branch has been rebuilt and enlarged. Sixteen iron bridges have been replaced with new ones. One new station has been erected on the New York and Putnam railroad and two other buildings. Twenty-four light bridges have been replaced with stronger structures. Seventeen miles of fence of the main line have been rebuilt and thirteen repaired; six miles of the New York and Putnam railroad rebuilt and four repaired. Light repairs have been made to other fences. Sixteen bridges of the main line and twenty-four of the New York and Putnam railroad have been repainted. Extensive repainting has been done to station and other buildings and light improvements made to many. Several new interlocking plants have been installed, and others enlarged and improved.

Recommendations.

That necessary repairs be made to warning signals; that necessary tie renewal be made on the Mahopac Falls branch; that necessary repairs be made to fences; that missing cattle guards be replaced and repairs made to those needing them.

Middle Division.

(Inspected Sept. 17, 18, 19, 20, 21, 1906.)

The Middle division consists of that portion of the main line of the New York Central and Hudson River railroad from Rensselaer to Minoa, 140.48 miles of line, 140.48 miles of second main track and 139.73 miles each of third and fourth main tracks, the difference in lengths of third and fourth track from first and second being that the freight tracks take a different route crossing the Hudson at Albany. There are approximately 234.50 miles of sidings, yard tracks, etc. The Troy and Greenbush and Troy Union railroad extends from a connection with the main line at Rensselaer to Green Island, Troy, a distance of 6.99 miles, all double track, and has 13.65 miles of sidings and yard tracks. The Troy and Schenectady railroad extends from Green Island, Troy, to Schenectady, 20.89 miles, single track, with 12.70 miles of sidings and yard tracks. The Tivoli Hollow railroad extends from West Albany to Albany, 1.24 miles, single track, with 0.65 miles of sidings and yard tracks; this line is used only for switching purposes, is in fair condition

for that use, and is not considered further in this report. The Mohawk and Malone railway extends from Herkimer on the main line to Malone, 173.33 miles, single track, with 45.47 miles of sidings and yard tracks. The St. Lawrence and Adirondack railway extends from the terminus of the Mohawk and Malone railway at Malone to the international boundary line, 10.25 miles, single track, with 4.11 miles of sidings and yard tracks. The Hinckley branch extends from Prospect Junction, on the Mohawk and Malone Railway, to Hinckley, 2.96 miles, single track, with 2.07 miles of sidings and yard tracks. The Saranac Lake branch extends from Lake Clear Junction on the Mohawk and Malone railway, to Saranac Lake, 5.89 miles, with 1.34 miles of sidings and yard tracks. The Raquette Lake railway extends from Clearwater, on the Mohawk and Malone railway, to Raquette Lake, 18.13 miles, single track, with 2.97 miles of sidings and yard tracks. The West Shore railroad includes that portion of the main line of the West Shore railroad from Ravensa to Syracuse, 145.16 miles, double track, with 8.51 miles third, and 1.57 miles fourth main track, and 53.67 miles of sidings and yard tracks.

Roadway.

The roadway of the main line and all the other lines is generally well graded and the drainage system good. Sub-drains are used in wet cuts and have proved very beneficial. A few of the embankments of the Raquette Lake railway are rather narrow, and some reinforcing is needed. On the Mohawk and Malone railway there are a few cuts south of Prospect where the slopes, being of a quicksand nature, have washed to quite an extent, in some cases filling the ditches. This washing had been done by recent storms and ditches were being opened. On the Troy and Greenbush railroad, for about three miles, where the slopes of side cuts through slippery clay were sliding, grading has been done and the tracks moved away from them. Very extensive filling has been done through Schenectady, and tracks raised,—eliminating six grade crossings, on one of which there was a double track electric railway. Grading is being done for change of line near Cranes Village which will eliminate two curves and reduce a third one. Extensive grading is being done on the West Shore railroad, Canastota to Oneida, for additional main tracks in connection with the third rail electric system of operation to be used on portions of that road.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges are in first-class condition and generally well painted. On the main line there are many with solid floor; also a number on the other lines. Those open floors have standard ties and guard timbers, in good condition, and inside guard rails are maintained on all the long spans. The bridges are designed to carry with proper factor of safety all classes of motive power and rolling stock used on the different lines. The only wooden bridges are for overhead highway and farm crossings; and many iron bridges are used for that purpose. They are all in proper repair, and any that are less than twenty-one feet above the track, as well as all other overhead obstructions of a similar character, are protected by warning signals.

The only wooden trestles remaining in the roadway are as follows: On the Mohawk and Malone one of about 100 feet in length, near Prospect; it is of framed bent construction and has recently been rebuilt. One on the Hinckley branch at Hinckley, crossing a stream; it is 550 feet in length; the pile bents are of spruce timber; it is in fair condition but will need renewing or replacing before very long; on this trestle there are some poor ties that should be renewed. On the Raquette Lake railway there are three trestle structures; they are largely of spruce timber, partially pile and partially framed bents, are old, and have been patched and repaired until additional repairs would be extravagance; they have become such a mass of timbers that they are dangerous on account of liability to burn. Those trestles should be either filled or renewed.

Practically all the open culverts and cattle passes of the more important lines have been either covered with concrete and metal or replaced with concrete arch or box culverts or iron pipe and filling, and the openings to grade eliminated; those remaining have I-beams stringers and standard ties and guard timbers, in good repair. On the St. Lawrence and Adirondack railway there are several remaining that are entirely of timber, but are all in good, safe condition. On the Raquette Lake railway there are a few; they are entirely of timber, mainly spruce; they are old with the exception of the stringers, ties and guard timbers, and should be rebuilt or replaced.

The arch and box culverts and iron pipe drains are generally in good condition. On the Raquette Lake railway wooden boxes are used for conveying small streams through the embankments; some have been replaced with iron pipe and the others should be replaced, as they are getting in poor condition.

Track.

The cross-ties of the main line, Troy and Greenbush and Troy Union railroad, Troy and Schenectady railroad, Mohawk and Malone railway, St. Lawrence and Adirondack railway and West Shore railroad, are practically 7 x 9 inches, 8 feet in length; on the other lines 6 x 8 inches, 8 feet in length; on the main line they are laid at the rate of approximately 3,050 to the mile of track, and on the other lines 2,816 to the mile of track; those of the main line are all yellow pine; of the Troy and Greenbush and Troy Union railroad 80 per cent. yellow pine and 20 per cent. cedar; of the Troy and Schenectady railroad 80 per cent. yellow pine and 20 per cent. cedar; of the Mohawk and Malone railway 54 per cent. yellow pine, 2 per cent. oak and 44 per cent. cedar; of the St. Lawrence and Adirondack railway 55 per cent. yellow pine, 5 per cent. oak and 40 per cent. cedar; of the Hinckley branch all cedar; of the Saranac Lake branch 80 per cent. yellow pine and 20 per cent. cedar; of the Raquette Lake railway 5 per cent. yellow pine, 25 per cent. oak and 70 per cent. cedar; of the West Shore railroad 78 per cent. yellow pine, 2 per cent. oak and 20 per cent. cedar. All cross-ties are very well spaced, full spiked, and the general condition first-class. One hundred and eighty-nine and twenty-six-hundredths miles of the main line tracks are laid with 100-pound and the remainder, 371.16 miles, with 80-pound steel rail, connected by angle plates 36 inches in length with six bolts; the rail is in first-class condition generally and renewals are being made as necessary; the Troy and Greenbush and Troy Union railroad is laid entirely with 80-pound steel rail, connected by angle plates 36 inches in length with six bolts; the rail is in good condition; 0.44 miles of the Troy and Schenectady railroad are laid with 80-pound, and the remainder, 20.45 miles, with 65-pound steel rail; the 80-pound and larger proportion of the 65-pound rails are connected by angle plates 36 inches in length with six bolts,—some of the 65-pound rails are connected by angle plates 22 inches in length with four bolts; the rail is in very good condition; the Mohawk and Malone railway has 7.20 miles laid with 80-pound, 163.12 miles with 75-pound, and the remainder, 2.01 miles, with 65-pound steel rail: the 80 and also the 65-pound rails are connected by angle plates 36 inches in length with six bolts, the 75-pound rails by angle plates 30 inches in length with six bolts; the rail is in very good condition and renewals are being made where needed; the St. Lawrence and Adirondack railway is laid entirely with 75-pound steel rail, connected by angle plates 30 inches in length with six bolts; the rail is in good condition; the Hinckley branch is laid entirely with 60-pound steel rail, connected by angle plates 22 and 30 inches in length with four bolts;—this rail is somewhat worn, but in fair condition for the light traffic maintained; the Saranac Lake branch has one mile of track laid with 75-pound and the remainder, 4.89 miles, with 60-pound steel rail;—the 75-pound rails are connected by angle plates 30 inches in length with six bolts, and the 60-pound rails by angle plates 22 inches in length with four bolts;—the rail is in very fair condition; the Raquette Lake railway is laid with 65-pound steel rail, partially connected by angle plates 24 inches in length with four bolts and partially by angle plates 30 inches in length with four and six bolts; on this line there are

many rails worn by slipping driving wheels, and should be replaced; the West Shore railroad has 132.83 miles laid with 80-pound and the remainder, 167.57 miles, with 67-pound steel rail; — the 80-pound and a portion of the 67-pound rails are connected by angle plates 36 inches in length with six bolts and the remainder of the 67-pound rails by angle plates 24 inches in length with four bolts; the 80-pound rails are in good condition, — a considerable portion of the 67-pound rails is much worn and is being replaced. The rail connections on all the roads are full bolted, and practically no loose bolts were discovered.

All the main track switches are split point and have rigid stands with well painted targets. On the main line and Troy and Greenbush and Troy Union railroad all are protected by interlocking or are electrically locked. All outlying switches and most others on the Troy and Schenectady railroad are protected by distant signals interlocked with the switch stands, and many outlying switches, and those in obscure places of all the important lines are protected in a similar manner. Switch lamps show red light for danger, white for safety and green for caution. Practically all main track frogs are spring rail and all are properly maintained. Derailing switches are in all sidings connecting with the main track upon which cars are left standing, where the grade descends toward the main track or cars are liable to be pushed so as to foul the main track; on the main line and more important branches they are in nearly all cases, where not controlled by interlocking plants, interlocked with the main track switch stands.

The main line has about 120 miles of track ballasted with broken stone in good quantity; the remaining portion is ballasted with gravel, generally in good quantity; additional broken stone ballast is being put in. The Troy and Greenbush and Troy Union railroad is also ballasted with broken stone in good quantity; the Troy and Schenectady railroad with gravel and cinders in good quantity; the Mohawk and Malone railway with gravel, slag and sand in from fair to good quantity, and additional ballast is being put in; — a few miles have been recently reballasted with broken stone and slag and the reballasting with this class of material is being continued; the St. Lawrence and Adirondack railway is well ballasted with gravel and sand; the Hinckley branch, Saranac Lake branch and Raquette Lake railway are ballasted with gravel and sand in fair to good quantity; the West Shore railroad is generally very well ballasted with gravel and cinders; — on portions of this line additional ballast is being put in.

The alignment and surfacing of the track of the main line are excellent, of the other lines good, and the outer rail on curves is properly elevated for the speed at which the trains are scheduled.

The average length of track sections and the average force maintained on each are about as follows: Main line, 2.54 miles; a foreman, six men in winter and ten in summer. Troy and Greenbush and Troy Union, 1.84 miles; a foreman, four men in winter and six in summer. Troy and Schenectady, 4.14 miles; a foreman three men in winter and five in summer. West Shore railroad, 4.27 miles; a foreman, four and one-half men in winter and seven in summer. Mohawk and Malone railway, 5.09 miles; a foreman, three men in winter and five in summer. Hinckley branch, 2.87 miles; a foreman, one man in winter and two in summer. Saranac Lake branch, 5.63 miles; a foreman, three men in winter and four in summer. Raquette Lake railway, 6 miles; a foreman, two men in winter and four in summer. St. Lawrence and Adirondack railway, 3.67 miles; a foreman, three men in winter and five in summer. Each section gang is furnished with flags, lanterns and torpedoes. Regular track-walkers are employed who walk the sections, and work with the gang the remainder of the time.

General Alignment, Grades and Curves.

The general alignment of the main line is very fair the sharper curves being reduced. The maximum curve outside of Albany station yard is 7 degrees and 24 minutes, at Little Falls; the maximum curve of the Troy and Greenbush and Troy Union is 11 degrees and 36 minutes, near Troy; of the Troy and Schenectady railroad, 4 degrees; of the Mohawk and Malone railway,

Fitchburg Railroad (operated by the Boston and Maine Railroad) at Melrose in the town of Schaghticoke, Rensselaer county, to an undercrossing, in which this Board determined that the drainage should be changed (see minutes of November 10, 1905), a report dated April 5, 1906, was received from the inspector of grade crossings that the drainage has not yet been changed. A letter dated April 3, 1906, has been written the company on this subject. (Grade Crossing Case No. 1.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1902, as to changing the Pine, Fonda, Nott and Romeyn street grade crossings of the railroad operated by the Delaware and Hudson Company in Schenectady to undercrossings, a report dated April 3, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 390.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to a second track on the Highland division of the New York, New Haven and Hartford Railroad crossing streets, avenues and highways, a report dated April 10, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 559.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated February 13, 1906, as to changing the Peek and Nott streets grade crossings of the Troy and Schenectady branch of the New York Central and Hudson River Railroad in the city of Schenectady to undercrossings, an estimate of the cost of the work, amounting in total to \$89,000, was submitted to the Board by the company, together with a report dated April 12, 1906, from the superintendent of the grade crossing bureau. Ordered said estimate approved. (Grade Crossing Case No. 477.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, a blue print plan showing proposed change of grade of Union street between North College street and the Erie canal, Union street lift bridge, was submitted to the Board by the company, together with a report thereon dated April 5, 1906, from the superintendent of the grade crossing bureau. Ordered said plan approved. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to a second track on the Highland division of the New York, New Haven and Hartford Railroad crossing streets, avenues and highways, plans for the undercrossing (No. 4) about one-quarter of a mile east of Stormville station, and for the undercrossing at Peck's crossing (No. 1) one mile west of Towner's station, were submitted to the Board by the company, together with a report thereon, dated April 5, 1906, from the superintendent of the grade crossing bureau. Ordered that a letter be written the company stating that the Board approves these plans, although, under the statute this Board is not called upon to pass upon plans for crossings under section 60. (Grade Crossing Case No. 559.)

Orders.

In the matter of the report of the inspector of grade crossings, dated March 6, 1906, as to the One Hundred and Twenty-fifth street and Eighth avenue station of the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company), ordered that a recommendation be issued to the company that it install at this station a sufficient number of elevators to accommodate the public. (Case No. 3541.)

Interlocking.

There are fifty-five interlocking plants located along the main line, governing cross-overs, approaches to yards, etc.; also five on the West Shore railroad for the same purpose.

Right of Way.

The Raquette Lake railway runs for much of its distance through State land and has only been cleared through such land sufficiently for the cuts and embankments, and many large trees are standing very near the track; on the main line and all other branch lines, the right of way is free from trees, brush and rubbish, and is fenced with wire, generally in good repair. Through the forests along the Mohawk and Malone railway and the Raquette Lake railway fences are not maintained or needed.

Highway Crossings.

The highway crossings of all the lines are well graded, planking in good condition, and are protected by signs mainly of the diamond form, well placed and properly painted. The cattle guards are almost entirely of the metallic slat pattern and are maintained at each boundary of all highways crossed at grade excepting through the forests, where fences are not maintained; a few were noted on the West Shore railroad as being out of repair owing to construction work being done in connection with additional main tracks. Brush in the vicinity of the crossings outside of the company's right of way has been, so far as practicable, removed to better the view. On the main line there are six highway grade crossings protected by flagmen; fifty-two by flagmen and gates; one by an electric bell and twenty-seven by crossing signs only; on the Troy and Greenbush and Troy Union, five by flagman; thirteen by flagmen and gates and one by crossing sign only; on the Troy and Schenectady, eight by flagmen; six by flagmen and gates, and five by crossings signs only; on the Tivoli Hollow railroad, one by flagman and gates; on the West Shore railroad, thirteen by flagmen; fourteen by flagmen and gates, five by electric bells, and 116 by crossing signs only: there are maintained on this line six watchmen protecting points where slopes, owing to the material being of quicksand nature or shelly rock, need constant care; on the Mohawk and Malone railway, two crossings are protected by flagmen and gates; six by electric bells, and fifty-seven by crossing signs only; on the Hinckley branch four, on the Saranac Lake branch three, on the Raquette Lake railway four, and on the St. Lawrence and Adirondack railway eight by crossing signs only.

Block System.

The movements of trains on the main line are governed by the lock and block system, on short portions of the West Shore railroad by the lock and block system and on the remaining portion by the telegraph block system, on the Troy and Greenbush and Troy Union railroad by automatic electrical block signals, and on the other lines by the telegraph block system.

Stations, Etc.

The station buildings are in very good repair, waiting rooms clean and neat; drinking water is provided and time tables are posted in waiting rooms. Fire extinguishers are provided at all stations, and hose at points where there is a fire system. The station platforms are of plank, gravel, stone screenings and concrete, and are well maintained. The station grounds are well kept and at some of the more important ones are lawns with ornamental plants, etc. All station employees are uniformed and wear a badge indicating their employment.

Note.—For equipment, see general remarks at the end of this report.

Repairs and Improvements.

The principal repairs and improvements noticed as made since the last inspection (September, 1904) are as follows:

Very extensive raising of tracks has been done through the city of Schenectady on the main line, and also on the Troy and Schenectady railroad, eliminating six grade crossings, on one of which there is a double track electric railroad; grading being done for straightening main line through Crane's Village. Grading is well under way for two additional main tracks on the West Shore railroad between Canastota and Oneida, and equipping of the West Shore railroad between Syracuse and Utica with appliances for electric operation is well under way. Grading has been done and additional tracks laid extending yards, passing tracks, etc., at very many places on all the roads. About 15 per cent. of the cross-ties in the main line tracks have been renewed; 12 per cent. of the Troy and Schenectady; 10 per cent. of the Tivoli Hollow; 12 per cent. of the West Shore; 9 per cent. of the Mohawk and Malone; 5 per cent. of the Hinckley branch; 6 per cent. of the Saranac Lake branch; 3 per cent. of the Raquette Lake railway, and 7 per cent. of the St. Lawrence and Adirondack. One hundred and seventy-four and sixty-six-hundredths miles of new 100-pound steel rail have been laid in the main line track and 7.59 miles of 80-pound steel rail, replacing worn 80-pound rail; about 6 miles of second use 100-pound rail and 19.30 miles of 80-pound, replacing worn 80-pound rail; on the Troy and Greenbush and Troy Union railroad, 2.78 miles of second use 80-pound rail, replacing worn 80-pound rail; on the Troy and Schenectady railroad, 0.34 miles of second use 80-pound rail, replacing worn 65-pound rail; on the West Shore railroad 18.50 miles of new 80-pound rail, replacing worn 67-pound rail, and 52.93 miles of second use 80-pound rail, replacing worn 67-pound rail; on the Mohawk and Malone railway, 7.20 miles of second use 80-pound rail, replacing worn 75-pound rail. About 88 miles of main line track have been rebalasted with gravel and 88.50 miles with broken stone; 11.50 miles of the Troy and Greenbush and Troy Union railroad with broken stone; 15 miles of the Troy and Schenectady with gravel; 109 miles of the West Shore with gravel and 102 miles with cinders; 3.50 miles on the Mohawk and Malone railway with broken stone, 24 with gravel, 27 with cinders and 9 with slag; and 2.30 miles of the Saranac Lake branch with cinders. Twelve bridges on the main line have been replaced and two filled; one on the Troy and Schenectady railroad replaced, 42 on the West Shore and two on the Mohawk and Malone railway. In addition to this, 40 bridges have been strengthened to carry the heaviest weights of rolling stock. One timber trestle on the Mohawk and Malone railway has been rebuilt, three replaced with iron bridges and one with a concrete arch; two trestles on the Raquette Lake railway have been partially filled. On the main line six open culverts and cattle passes have been rebuilt and covered, four on the West Shore, and two on the Mohawk and Malone railway. One open culvert on the Mohawk and Malone has been covered and one replaced with cast iron pipe and filling, and three on the West Shore railroad replaced with cast iron pipe and filling; four open culverts and cattle passes on the St. Lawrence and Adirondack railway have been rebuilt; on the main line one stone box culvert has been replaced with a solid floor culvert, and fifty-nine vitrified pipe culverts with cast iron pipe; also, three culverts on the Troy and Schenectady railroad, 20 on the West Shore, and five on the Mohawk and Malone railway with cast iron pipe; fifty-one wooden box culverts on the Mohawk and Malone railway, and one on the Raquette railway, and two on the St. Lawrence and Adirondack railway have been replaced with cast iron pipe. The masonry to four bridges of the main line has been rebuilt and to nine others repaired; to one of the Troy and Schenectady railroad repaired, to two of the West Shore railroad rebuilt and thirty-six repaired, and to five of the Mohawk and Malone rebuilt. The masonry to six open culverts and cattle passes on the main line, four on the West Shore railroad, and three on the Mohawk and Malone railway has been rebuilt or extensively repaired. One new passenger station has been erected on the main line and two on the Mohawk and Malone railway; one station on the main line and three on the Mohawk and Malone

railway have been extensively repaired. Two new water tanks have been erected on the main line and six on the West Shore railroad. Twelve other new buildings for company use have been erected on the main line, seven on the West Shore railroad, and twelve on the Mohawk and Malone railway; fourteen other buildings on the main line, one on the West Shore railroad, and one on the Mohawk and Malone railway have been extensively repaired and improved. Necessary repairs and improvements have been made to station and other buildings, and all on which paint is used have been repainted excepting those on the Raquette Lake and St. Lawrence and Adirondack railways, which as yet do not need it. Twenty-two iron bridges on the main line, two on the Troy and Schenectady railroad, forty-three on the West Shore, six on the Mohawk and Malone railway, and one on the St. Lawrence and Adirondack railway have been repainted. Repairs have been made to retaining walls and new walls of concrete constructed at various points on the different lines. Thirty and seventy-hundredths miles of fence of the main line have been rebuilt and eighty-four miles extensively repaired; 6.50 miles of the Troy and Schenectady railroad rebuilt and three miles extensively repaired; twenty-eight miles of the West Shore railroad rebuilt and thirty-three extensively repaired, and light repairs made to fences over the division generally.

Recommendations.

That the weak embankments on the Raquette Lake railway be strengthened; that cross-ties on the trestle on the Hinckley branch at Hinckley be renewed; that the timber trestles and other wood structures in the roadway of the Raquette Lake railway be promptly replaced or filled, and that the rails on the Raquette Lake railway worn by slipping of driving wheels be replaced.

Western Division.

(Inspected Sept. 24, 25, 26, 27, 28, 1906.)

The main line of the Western division includes that portion of the main line of the New York Central and Hudson River railroad from De Witt to Buffalo, and has 155.50 miles of first and also second main track, 146.70 miles of third and of fourth main tracks, and 430.10 miles of sidings and yard tracks. The Syracuse Junction branch comprises the two freight tracks around Syracuse extending from De Witt to Syracuse Junction, a distance of 8.30 miles, and has 2.70 miles of sidings and yard tracks. In this report the Syracuse Junction branch is considered as a portion of the main line. The Auburn branch connects with the main line at Syracuse and extends to another connection with the main line at Rochester, a distance of 96.10 miles, single track, and has 60.60 miles of sidings and yard tracks. The Buffalo and Niagara Falls branch extends from the terminus of the main line at Buffalo to Suspension Bridge, and has 24.30 miles of first and 23.90 miles of second main track, and approximately 75 miles of sidings and yard tracks. The Lewiston branch connects with the Buffalo and Niagara Falls branch at Suspension Bridge and extends to Lewiston, a distance of 5.51 miles, and has 0.48 miles of second main track and 1.50 miles of sidings and yard tracks. The Buffalo Belt line connects with the main line at East Buffalo and extends around the city of Buffalo to North Buffalo, on the Buffalo and Niagara Falls branch, 7.27 miles, all double track, and has 12.80 miles of sidings and yard tracks. The Rochester and Niagara Falls branch connects with the main line at Rochester and extends to Suspension Bridge, a distance of 73.70 miles, with 32.40 miles of second main track and 80.40 miles of sidings and yard tracks. The Tonawanda and Lockport branch connects with the Rochester and Niagara Falls branch at Lockport Junction and extends to a connection with the Buffalo and Niagara Falls branch at North Tonawanda, 11.17 miles, single track, and has 4.50 miles of sidings and yard tracks. The Canandaigua and Niagara Falls branch connects with the Auburn branch at Canandaigua and extends to a connection with the Buffalo and Niagara Falls branch at North Tonawanda, 85.70 miles, with 1.70 miles of second main track and

23.20 miles of sidings and yard tracks. The Charlotte branch connects with the Rochester and Niagara Falls branch at Charlotte Junction and extends to Ontario Beach, 7.90 miles, with 6.90 miles of second main track and 9.80 miles of sidings and yard tracks. The Attica branch connects with the main line at Batavia and extends to Attica, 10.50 miles, single track, and has 1.40 miles of sidings and yard tracks. The Terminal railway connects with the main line at Depew and extends to a connection with the West Seneca yard of the Lake Shore and Michigan Southern railway, 11.50 miles, all double track, and has 0.50 miles of sidings. The portion of the West Shore railroad included in this division extends from Syracuse to Buffalo, a distance of 148.30 miles, and has 63.80 miles of second main track;—this second main track is not continuous; it commences at Syracuse, extends to Amboy, has single track from Amboy to Jordan, then double track to Port Byron, single track from that point to Lyons, then double track from Lyons to Fairport, single track from Fairport to Churchville Junction, double track from Churchville to Bergen, single track Bergen to Clarence, double track Clarence to Buffalo; there are approximately 103.30 miles of sidings and yard tracks. The Chenango branch connects with the main line of the West Shore railroad at Syracuse and extends to Earlville, on the line of the New York, Ontario and Western railway, 42.70 miles, single track, and has 12.20 miles of sidings and yard tracks.

Roadbed.

The cuts and embankments of the main line and nearly all the branch lines are of full width and properly sloped. On the Lewiston branch there are very high cliffs of overhanging rocks practically inaccessible; those cliffs are carefully watched, permanent watchmen being employed there at all times, and the loose rock so far as practicable has been removed. On the Chenango branch the slopes of a few cuts are upheld by a pile docking on account of the cuts being through material of a quicksand nature, and some of them rather narrow. In a few cases retaining walls of concrete have been built to protect the slopes permanently. All the pile docking is in good repair. There is one tunnel on this branch through rock; where loose rock was encountered the interior of the tunnel has been lined with timber,—all of which is apparently properly maintained. Considerable new grading has been done along the main line for additional tracks and extension of yards. The same is true to a less extent on practically all the lines, especially on the West Shore road, where all eastward grades are being reduced, and on the Rochester and Niagara Falls branch, where additional second track is being put in.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges on all the lines are in good condition and designed to carry with proper factor of safety the heaviest motive power on them. The ties and guard timbers are of proper dimensions and well maintained. A large proportion of the bridges of the main line and of the more important branches have solid floors, with track ballasted over them. Inside guard rails are maintained on all. The masonry is generally in first-class condition and repairs or renewals are being made as rapidly as is apparently necessary. The bridges are generally well painted. The lighter bridges of the West Shore and of the branch lines, on which there yet remain a few, are being replaced that heavier power may be operated over them. There are no wooden bridges excepting those used for carrying highways or farm crossings over the railroad, and a large proportion of those bridges are of iron. All are properly maintained and any as well as all other obstructions, that are less than twenty-one feet above the rail are protected by warning signals. Nearly all timber trestles have been filled or replaced with permanent structures. There is one small one on the Canandaigua and Niagara Falls branch, near Canandaigua, of standard construction, in first-class repair. There yet remain three on the main line of the West Shore, also of standard construc-

tion and in good repair. On the Chenango branch there yet remain many trestle structures. None of them are long or high. Some are used crossing small streams; they are of proper construction and well maintained. Quite a number have been replaced with permanent structures and filling since the last inspection (September, 1904), and arrangements are made for replacing others.

All the open culverts and cattle passes that formerly existed on most of the important lines have been replaced with concrete arch or box culverts, iron pipe and filling, or have had solid flooring of metal and concrete put on and the track ballasted over them. On the Canandaigua and Niagara Falls branch there yet remain a few with fair to good masonry, I-beam or timber stringers, with standard ties and guard timbers, all of proper construction and well maintained. On the Attica branch there yet remains one with timber stringers; — the stringers are sufficient and the ties and guard timbers in good condition. On the Chenango branch nearly all are entirely of timber, either framed or pile bents being used in place of abutments. All are in safe condition and the lighter ones are being replaced with concrete masonry and solid floors.

The arch and box culverts and iron pipe drains are apparently in good condition.

Track.

The standard cross-ties are mainly 7 x 9 inches, 8 feet in length; on a few of the less important lines, ties 6 x 9 inches, 8 feet in length are used; in the main line track they are laid at the rate of 3,200 per mile of track, on the Auburn branch 3,000 per mile of track, on the Buffalo and Niagara Falls branch, Tonawanda and Lockport branch and Charlotte branch they are laid at the rate of 3,168 per mile, and on the other branches about 2,816 per mile of track. The main line ties are all yellow pine; the Auburn branch 60 per cent. yellow pine, 20 per cent. oak and 20 per cent. cedar; the Buffalo and Niagara Falls and Lewiston branches practically all yellow pine, a few oak being used; the Buffalo Belt line, 90 per cent. yellow pine and 10 per cent. cedar; the Rochester and Niagara Falls and Tonawanda and Lockport branches practically all yellow pine; the Canandaigua and Niagara Falls branch 70 per cent. yellow pine, 10 per cent. oak and 20 per cent. cedar; the Charlotte branch 72 per cent. yellow pine and 28 per cent. cedar; the Attica branch 50 per cent. yellow pine and 50 per cent. cedar; the Terminal railway 50 per cent. yellow pine and 50 per cent. cedar; the West Shore railroad, main line, 77 per cent. yellow pine and 23 per cent. cedar; the Chenango branch 95 per cent. yellow pine and 5 per cent. cedar. They are evenly spaced, full spiked and in good general condition, necessary renewals having been made. All main tracks are laid with steel rail. On the main line 166.10 miles are laid with 100-pound and the remainder, 448.30 miles, with 80-pound rail; the Syracuse Junction branch entirely with 80-pound rail; the Auburn road has 2 miles laid with 80-pound and the remainder, 94.10 miles, with 65-pound rail; the Buffalo and Niagara Falls branch is laid entirely with 80-pound rail; the Lewiston branch entirely with 80-pound rail; the Buffalo Belt line entirely with 80-pound rail; the Rochester and Niagara Falls branch has 92 miles laid with 80-pound, and the remainder, 13.10 miles, with 65-pound rail; the Tonawanda and Lockport branch entirely with 65-pound rail; the Canandaigua and Niagara Falls branch has 7.50 miles laid with 80-pound and the remainder, 79.90 miles, with 65-pound rail; the Charlotte branch is laid entirely with 65-pound rail; the Attica branch entirely with 65-pound rail; the Terminal railway with 80-pound rail; the West Shore railroad main line has 7 miles laid with 80-pound and the remainder, 204.90 miles, with 67-pound rail; the Chenango branch is laid with various weights of rail, varying from 60 to 75 pounds. Practically all rails are connected by angle plates 36 inches in length with six bolts; a small portion of the 67-pound rail has angle plates 40 inches in length with six bolts; the 65-pound rail of the Charlotte branch is partially connected by angle plates 22 inches in length with four bolts; there is the same weight of rail on the Attica branch,

with angle plates 24 inches in length with four bolts; most of the rail on the Chenango branch is connected by angle plates 22 inches in length with four bolts. The rail is generally in from good to first-class condition; that on the Attica branch, however, is much worn and some loose bolts were observed. A portion of the 67-pound rail on the West Shore main line is somewhat worn, especially at the joints, and such rail is now being replaced. On the Chenango branch some of the rail is considerably worn, but is generally in fair condition for the light traffic; on this worn rail some loose bolts were noted. All connections are full bolted and aside from those above mentioned no loose bolts were observed.

All main track switches are split point and nearly all switch stands are rigid. All facing switches of the main line are protected by interlocking, those on the Buffalo and Niagara Falls branch by automatic electric block signals, and all outlying and obscure switches on the other important lines by distant signals interlocked with the mechanism of the switch or operated electrically. All switch stands have proper targets. Switches and semaphore signals show red light for danger, white for safety and green for caution. Practically all main track frogs are spring rail and are well maintained. Derailing switches are in all sidings where their use appears necessary, and many of those not protected by interlocking or electric signals are interlocked with the main track switch and all others have stands with proper targets.

About seventy miles of the main line track are ballasted with broken stone and the remainder with gravel in very fair quality. The Auburn branch is ballasted with gravel in good quantity; the Buffalo and Niagara Falls branch with broken stone in good quantity; the Lewiston branch with gravel, cinders and broken stone in fair quantity; the Buffalo Belt line with gravel and cinders in good quantity; the Rochester and Niagara Falls branch with gravel and cinders in from fair to good quantity; the Tonawanda and Lockport branch with gravel and cinders in good quantity; the Canandaigua and Niagara Falls branch with gravel, cinders and stone screenings in from fair to good quantity; the Charlotte branch mainly with cinders in very fair quantity; the Attica branch with gravel and cinders in fair quantity; the Terminal railway is well ballasted with gravel and cinders; the West Shore railroad main line with gravel and cinders, generally in good quantity; the Chenango branch almost entirely with cinders in very fair quantity.

The alignment and surfacing of the main line, Auburn branch, Buffalo and Niagara Falls branch, Belt line, Rochester and Niagara Falls branch, Tonawanda and Lockport branch, Canandaigua and Niagara Falls branch, and West Shore railroad main line are first-class and of all other lines good, and the outer rail on curves correctly elevated for the speed at which the trains are scheduled.

The main line track sections average about 2.6 miles in length and the average force maintained on each consists of a foreman and nine laborers; the Syracuse Junction branch, 8 miles and the force a foreman and seven laborers; the Auburn branch, 4.8 miles and the force a foreman and four laborers; the Buffalo and Niagara Falls branch, 3 miles and the force a foreman and five laborers; the Lewiston branch, 5 miles and the force a foreman and three laborers; the Buffalo Belt line, 6.8 miles and the force a foreman and five laborers; the Rochester and Niagara Falls branch, 5 miles and the force a foreman and three laborers; the Tonawanda and Lockport branch, 5.50 miles and the force a foreman and three laborers; the Canandaigua and Niagara Falls branch, 5.50 miles and the force a foreman and four laborers; the Charlotte branch, 3.7 miles and the force a foreman and five laborers; the Attica branch, 9.6 miles and the force a foreman and four laborers, the Terminal railway, 5.50 miles and the force a foreman and six laborers; the West Shore main line, 5.80 miles and the force a foreman and five laborers; the Chenango branch, 5.50 miles and the force a foreman and four laborers. Regular track-walkers are employed who patrol the road daily and work with the section force a portion of the time. All section gangs are furnished with flags, lanterns and torpedoes.

General Alignment, Grades and Curves.

The general alignment of the main line is first-class and no very sharp curves; the maximum is 5 degrees and 54 minutes, in Rochester. The Syracuse Junction branch curves are very light, the maximum being 2 degrees. The Auburn branch is for a considerable portion of its distance crooked and there are some fairly sharp curves, although the large proportion of them are light; the maximum is 10 degrees, located west of Geneva. The Buffalo and Niagara Falls branch has good general alignment excepting in Buffalo, where curves are frequent and sharp, the maximum being 14 degrees, near Georgia street. The Lewiston branch is considerably crooked and most curves are light; there is, however, one on the balloon track at Lewiston of 21 degrees. The Buffalo Belt line has generally light curves; the maximum is 6 degrees. The general alignment of the Rochester and Niagara Falls branch is good and nearly all curves very light; the maximum is 6 degrees and 7 minutes, at Suspension Bridge. The curves on the Tonawanda and Lockport branch are few and the maximum but 2 degrees. The general alignment of the Canandaigua and Niagara Falls branch is good and no very sharp curves; the maximum is 6 degrees, located at Canandaigua. The Charlotte branch has few curves, the only sharp one being at Charlotte, and is 17 degrees. The Attica branch is mostly on tangent; the maximum curve is 4 degrees and 30 minutes, at Batavia. The Terminal railway has few curves and generally light; maximum 6 degrees, at Depew. The general alignment of the West Shore railroad is excellent and all curves light; the maximum is 3 degrees and 30 minutes, between Clyde and Savannah. The Chenango branch is rather crooked for much of its length, but curves are generally light, the maximum being 5 degrees, of which there are several.

The maximum grade of the main line is 53 feet per mile for a very short distance at Syracuse; the long grades are much lighter. The maximum grade of the Syracuse Junction branch is 47 feet per mile. The Auburn branch grades are light; the maximum is 40 feet per mile. The Buffalo and Niagara Falls branch grades are generally light; there is, however, for a short distance in Buffalo a grade of 125 feet per mile. The Lewiston branch has long, steep grades, with maximum of 128 feet per mile. The Buffalo Belt line is practically level for most of its distance; it has a short grade of 57 feet per mile. The Rochester and Niagara Falls branch has generally light grades; the maximum is 47.50 feet per mile. The Tonawanda and Lockport branch has very light grades; the maximum is but 17 feet per mile. The Canandaigua and Niagara Falls branch has light grades for most of its length; the maximum grade is 24 feet per mile. The Charlotte branch has long grades, with maximum of 77.60 feet per mile. The Attica branch has a maximum grade of 47.50 feet per mile; the Terminal railway, 53 feet per mile. The West Shore railroad has very light grades for almost its entire length; there is, however, at East Buffalo a short grade of 39 feet per mile. The grades of this road are being reduced so that, eastbound, the maximum will be but 13 feet per mile. The Chenango branch is for much of its distance on grade, and much of the way steep; the maximum is 115 feet per mile, near Lebanon.

Grade Crossings of Railroads.

The main line crosses at grade other railroads as follows: Two tracks of the Syracuse Rapid Transit railway (electric) on Genesee street, Syracuse; there are no derails in the track of the electric road nor protection over the trolley wire. Two tracks of the Syracuse Rapid Transit railway on South Warren street, Syracuse; there are no derails in the track of the electric road nor protection over the trolley wire. Two tracks of the Syracuse Rapid Transit railway on South Salina street, Syracuse; there are no derails in the track of the electric road or protection over the trolley wire. At the two first-named crossings the conductors pilot their cars across the track of the steam road; at South Salina street a regular flagman is maintained by the electric railroad company. One freight track of the Pennsylvania division, N. Y. C. at Lyons; protected by an interlocking plant. One track of the Canandaigua

and Niagara Falls branch connects with the main line at Batavia, and trains of that branch run for about a quarter of a mile on the main line tracks, then branch out on the opposite side; this operation is protected by interlocking plants. One track of the Attica branch of the Erie at Batavia; protected by a modern and complete interlocking plant recently installed. One track of the Buffalo, Bellevue and Lancaster railway (International Railway, electric), at East Buffalo; there are no derailing switches in the track of the electric road, but there is a copper trough over the trolley wire. Two tracks of the Pennsylvania railroad at South Division street, Buffalo; protected by an interlocking plant. Two tracks of the Erie railroad at Alabama street, Buffalo; protected by an interlocking plant. The Syracuse Junction railroad crosses at grade a single track of the Rome, Watertown and Ogdensburg division at Salina; protected by signals that are interlocked; all trains of the Rome, Watertown and Ogdensburg division come to a full stop before crossing. The Auburn branch crosses at grade in Syracuse (by the old main line tracks, now used only for freight) one main track and one freight track of the Delaware, Lackawanna and Western railroad; protected by an interlocking plant. One track of the Lehigh Valley railroad at Auburn; protected by signals that are interlocked, and all trains are required to come to a full stop before crossing. One track of the Pennsylvania division at Geneva, protected by interlocking. One track of the Northern Central railway at Phelps Junction; protected by a flagman, and all trains are required to come to a full stop before crossing. One track of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company's railroad (electric) east of Geneva; there are no derailing switches in the track of the electric road nor protection over the trolley wire. One track of the Auburn and Syracuse Electric railroad at Auburn; there are no derailing switches in the track of the electric road, and the copper trough over the trolley wire extends only about half way across the tracks. One track of the Ontario Light and Traction Company's railroad (electric) at Canandaigua; there are derailing switches in the track of the electric road, but they are closed, and there is no protection over the trolley wire. One track of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company's railroad in Geneva; there are no derailing switches in the track of the electric road nor protection over the trolley wire. The Buffalo and Niagara Falls branch crosses at grade two tracks of the Black Rock branch of the Erie at North Buffalo; protected by interlocking. One freight track of the Erie at North Tonawanda; protected by interlocking. Two tracks of the International Railway (electric) on Hertel avenue, Buffalo; there are derailing switches in the track of the electric road, but no protection over the trolley wire. One track of the International railway at Echota; there are no derailing switches in the track of the electric road nor protection over the trolley wire. Two tracks of the International railway on Second street, Niagara Falls; there are no derailing switches in the track of the electric road, but there is protection over the trolley wire. The Lewiston branch crosses at grade four tracks of the Michigan Central, two of the Grand Trunk, one of the Erie, and one connecting with the R. W. & O. at Suspension Bridge; all protected by an interlocking plant. One track of the Lewiston and Youngstown Frontier railway at the extreme end of the Lewiston track; there are no derails in the electric road nor protection over the trolley wire. The Buffalo Belt line crosses at grade tracks of the International railway in Buffalo as follows: Two tracks on Broadway — there are no derails in the electric road, but a proper protection over the trolley wire; two tracks on Sycamore street — no derails in the track, but proper protection over the trolley wire; one track on Genesee street — no derails in track nor protection over the trolley wire; two on North Park avenue — there are no derails in the track nor protection over the trolley wire; two on Main street — there are no derails in track nor protection over the trolley wire; two on Parkside avenue — there are no derailing switches, but proper protection over the trolley wire; two on Elmwood avenue — there are derailing switches in the track of the electric road and proper protection over the trolley wire; two on Military Road — protected by interlocking

with proper derails, and protection over the trolley wire; two tracks on Hertel avenue—there are no derails, but proper protection over the trolley wire. The Rochester and Niagara Falls branch crosses at grade on Hawley street, Lockport, one track of the International railway—there are no derailing switches in the track of the electric road, but proper protection over the trolley wire. The Tonawanda and Lockport branch crosses at grade two tracks of the Niagara Falls branch of the Erie at North Tonawanda—protected by an interlocking plant. One track of the Canandaigua and Niagara Falls branch at North Tonawanda—protected by interlocking. One track of the Lockport branch of the Erie railroad, operated electrically, near North Tonawanda—protected by interlocking—there are derailing switches in the Erie track, but no protection over the trolley wire; two tracks of the international railway on Payne street, North Tonawanda—protected by interlocking without derails or protection over the trolley wire; one track of the International railway on Vanderwort street, North Tonawanda—there are no derailing switches in the track of the electric road nor protection over the trolley wire. The Canandaigua and Niagara Falls branch crosses at grade one track of the Rochester branch of the Erie at Genesee Valley Junction—protected by a tilting board signal, and all trains are required to come to a full stop before crossing. One track of the Genesee and Wyoming railroad near Caledonia—protected by signals that are interlocked—all trains are required to come to a full stop before crossing. One track of the Buffalo, Rochester and Pittsburgh railway at Le Roy—protected by a tilting board signal, and all trains are required to come to a full stop before crossing. One track of the Attica branch of the Erie west of Le Roy—protected by a tilting board signal, and all trains are required to come to a full stop before crossing. One track of the West Shore railroad main line at Akron Junction—protected by an interlocking plant. Two tracks of the Niagara Falls branch of the Erie at Tonawanda—protected by an interlocking plant. One main track and two sidings of the Tonawanda and Lockport branch at North Tonawanda—protected by an interlocking plant. One track of the Ontario Light and Traction Company's railroad at Canandaigua—there are no derailing switches in the track of the electric road, but they are closed—there is no protection over the trolley wire. One track of the International railway on Goudry street, North Tonawanda—there are no derailing switches in the track of the electric road nor protection over the trolley wire. The Charlotte branch crosses at grade two tracks of the Rome, Watertown and Ogdensburg division at Charlotte—protected by a tilting board signal and all trains are required to come to a full stop before crossing. The Attica branch crosses at grade one track of the Attica branch of the Erie, near Batavia—protected by a tilting board signal and all trains are required to come to a full stop before crossing. The Terminal railway crosses at grade two tracks of the Pennsylvania railroad at Gardenville—protected by an interlocking plant. One track of the Buffalo, Gardenville and Ebenezer railway (Buffalo Southern railway—electric) near Gardenville—there are derailing switches in the track, but no protection over the trolley wire. Two tracks of the Buffalo, Bellevue and Lancaster railway (International railway—electric) near Gardenville—there are no derailing switches in the track of the electric road nor protection over the trolley wire. The West Shore main line crosses at grade one track of the Canandaigua and Niagara Falls branch at Akron Junction—protected by an interlocking plant; one track of the Pennsylvania railroad at Genesee Junction—protected by gates, and all trains are required to come to a full stop before crossing; one track of the Rochester division of the Erie at Mortimer—protected by gates, and all trains are required to come to a full stop before crossing; one track of the Rochester division of the Lehigh Valley railroad at Mortimer—protected by gates, and all trains are required to come to a full stop before crossing; one track of the Rome, Watertown and Ogdensburg division at Syracuse—protected by interlocking signals and all trains are required to be under control; two tracks of the Syracuse Rapid Transit railway (electric) on North Salina street, Syracuse—there are no derails nor protection over the trolley wire. Two tracks of the Syracuse Rapid Transit railway on James street, Syracuse—there are no derails nor protection over

the trolley wire. The Chenango branch crosses at grade one track of the Elmira and Cortland branch of the Lehigh Valley railroad at Rippleton—protected by a target signal, and all trains are required to come to a full stop before crossing.

Interlocking.

Interlocking plants are maintained at the following named points: Eastwood; Willow street, Syracuse; North Salina street, Syracuse; R. W. & O. crossing, Syracuse; Northern crossing, Salina; Geddes street, Syracuse; Syracuse Junction, two plants; Belle Isle; Warners; Memphis; Jordan; Weedsport; Port Byron; Fox Ridge; Savannah; Job Sly Cut; Clyde; Lock Berlin; Lyons, two plants; Newark; East Palmyra; Palmyra; Walworth, two plants; Wayneport; Fairport; Despatch; Sand Cut; Brighton; Cedar street, East Rochester; Main street, Rochester; R. Bridge, Rochester; Central Park, Rochester; Ames Street Junction, Rochester; B., R. & P. Connection, Rochester; P. R. R. Connection, Rochester; Coldwater; Chili Junction; Churchville, two plants; Bergen; West Bergen; Byron; Byron Hill; East Batavia; Erie Crossing, Batavia; Walnut street, Batavia; West Batavia; West Batavia crossing; Corfu; Chittenden; Looneyville; Grimesville; Forks; Bailey avenue, East Buffalo; Wye, East Buffalo; William street, East Buffalo; Emslie street, Buffalo; Seneca street, Buffalo; Erie crossing, Buffalo; Ohio street, Buffalo; Scott street, Buffalo; east end Buffalo station; west end Buffalo station; Crosstown Junction, Buffalo; Hudson street, Buffalo; Water Works, Buffalo; Brace street, Buffalo; Black Rock, Buffalo; Amherst street, Buffalo; Erie crossing, North Buffalo; Military Road, North Buffalo; Main street, Buffalo; West Shore connection, Buffalo; Broadway, Buffalo; William street, East Buffalo, two plants; North Buffalo; Tonawanda; North Tonawanda, two plants; Dock crossing, North Tonawanda; Gratwick; La Salle; north end middle track, La Salle; Echota; Niagara Falls; Brinkers crossing; Suspension Bridge; Lockport, two plants; crossing of the Erie at North Tonawanda; crossing of the Erie at Tonawanda; crossing North Tonawanda; Ebenezer; Akron Junction; Monroe street, Auburn; Payn avenue, North Tonawanda. The above mentioned interlocking plants govern the movements of trains at yards, junctions, railroad crossings, cross-overs, etc. In addition to the above, there are electrically operated automatic signals governing the movements of trains at a distant switch at Syracuse, West street, Syracuse; Cayuga; Main street, Scio street, North street, Hudson avenue, Joseph avenue, Clinton avenue, and State street, Rochester; terminal at Depew, two; Terrace, Buffalo, and on the Buffalo and Niagara Falls branch at Buffalo, five, and between Buffalo and Niagara Falls thirty-one.

Right of Way.

The right of way of all the roads is free from trees, brush and rubbish excepting at a few points on the Auburn branch, where small brush has been left to protect slopes. Fences are maintained excepting through cities; they are generally of wire and in fair to good repair. The highway crossings are well graded, the planking well maintained, and are protected by signs mainly of the diamond form; on the West Shore main line and Chenango branch most signs are of triangular form; all are properly located and well painted. Brush in the vicinity of highway crossings outside the company's right of way has been removed wherever practicable.

Forty-one highway crossings of the Main line are protected by flagmen, 42 by flagmen and gates, 8 by electric bells, and 69 by crossing signs only; 8 of the Syracuse Junction branch by crossing signs only; 55 of the Auburn branch by flagmen, 5 by flagmen and gates, 5 by electric bells, and 110 by crossing signs only; 26 of the Buffalo and Niagara Falls branch by flagmen, 15 by flagmen and gates, 8 by electric bells, and 8 by crossing signs only; 3 of the Lewiston branch by flagmen, 1 by an electric bell, and 4 by crossing signs only; 16 of the Buffalo Belt line by flagmen, 5 by flagmen and gates, and 2 by crossing signs only; 29 of the Rochester and Niagara Falls branch by flagmen, 14 by flagmen and gates, 10 by electric bells, and 42 by crossing signs only; 5 of the Tonawanda and Lockport branch by flagmen, 2 flagmen and gates, and 12

by crossing signs only; 5 of the Canandaigua and Niagara Falls branch by flagmen, 2 by flagmen and gates, 1 by an electric bell, and 90 by crossing signs only; 4 of the Charlotte branch by flagmen, 1 by flagman and gates, 1 by an electric bell, and 6 by crossing signs only; 2 of the Attica branch by flagmen, and 12 by crossing signs only; the 6 highway crossings of the Terminal railway are protected by crossing signs only; 21 of the West Shore railroad main line by flagmen, 13 by flagmen and gates, 5 by electric bells, and 115 by crossing signs only; 2 of the Chenango branch by flagmen, 1 by an electric bell, and 40 by crossing signs only.

Block System.

From De Witt to Buffalo the movements of trains on the main line are governed by the lock and block system, in Buffalo by the Bell Block system; from Buffalo to Black Rock, on the Buffalo and Niagara Falls branch, by the lock and block system, Black Rock to Niagara Falls by the automatic electrical block system, Niagara Falls to Suspension Bridge by the lock and block system; on all other lines by the telegraphic block system.

Stations, Etc.

The station buildings are in very good repair and the sanitary condition good; drinking water is provided and time-tables are posted in each waiting-room; fire extinguishers are in all stations and at those where there is a fire system hose is kept, for protection against fire. The station platforms are of plank, gravel, concrete and stone screenings, and are well maintained. The station grounds are in good condition, well kept, and at the more important ones there are lawns with ornamental plants, etc. All station employees are uniformed and wear a badge indicating their employment.

Note.—For Equipment, see general remarks at the end of this report.

Repairs and Improvements.

The principal repairs and improvements noticed as made since the last inspection (September, 1904) are as follows: The yard at Dewitt has been remodeled, greatly extended and improved. Grading has been done and new track laid off freight track No. 4, at nearly all stations on the main line, so that way freights may do their work without interfering with main line traffic. The work of extending the second main track on the West Shore is in progress, also on the Rochester and Niagara Falls branch between Brockport and Albion. Eastbound grades on the West Shore are being reduced so that the maximum will be but thirteen feet per mile—this necessitates in places very extensive cutting and filling. Considerable extensions have been made to tracks in very many of the yards over the entire division, a great number of passing tracks lengthened and some new ones put in. About 18 per cent. of the cross-ties on the main line have been renewed; 25 per cent. of those on the Auburn branch; 15 per cent. on the Buffalo and Niagara Falls branch; 15 per cent. on the Lewiston branch; 10 per cent. on the Buffalo Belt line; 15 per cent. on the Rochester and Niagara Falls branch; 15 per cent. on the Tonawanda and Lockport branch; 25 per cent. on the Canandaigua and Niagara Falls branch; 8 per cent. on the Charlotte branch; 12 per cent. on the Attica branch; 9 per cent. on the Terminal railway; 12 per cent. on the main line of the West Shore railroad, and 14 per cent. on the Chenango branch. 157.70 miles of new 100-pound steel rail have been laid in the main line tracks, replacing worn 80-pound rail, and 28.80 miles of relayer 80-pound, replacing worn 80-pound rail; 1.10 miles of new 80-pound rail on the Syracuse Junction branch, replacing worn 80-pound rails; 8 miles of relayer 80-pound rail on the Buffalo and Niagara Falls branch, replacing worn 80-pound rail; 3 miles of 80-pound rail on the Buffalo Belt line, replacing worn 80-pound rail; 12 miles of new 80-pound rail and 7 miles of relayer 80-pound rail on the Rochester and Niagara Falls branch, replacing worn 65-pound rail; 3.80 miles of relayer 80-pound rail on the Canandaigua and Niagara Falls branch, replacing worn 65-pound rail, and 2.10 miles of relayer 65-pound rail on the Charlotte branch, replacing worn 60-pound rail. Six rail floor culverts and cattle passes, 2 deck girder bridges, 3 through truss bridges and 14 deck

truss bridges have been put in on the main line, replacing old and lighter structures; 2 through truss and 1 deck girder on the Auburn branch, replacing old and lighter structures; 6 rail floor culverts and cattle passes on the Attica branch, replacing open culverts; 2 deck girder bridges on the Canandaigua and Niagara Falls branch, replacing old and lighter structures; 2 rail floor culverts and cattle passes on the Lewiston branch, replacing open culverts; 9 rail floor culverts and cattle passes and 2 through girder bridges on the Rochester and Niagara Falls branch, replacing old and lighter structures; 1 rail floor culvert on the Syracuse Junction branch, replacing an open culvert; 5 rail floor culverts and cattle passes, 11 through girder bridges, 10 deck girder bridges, and 5 through truss bridges on the West Shore Railroad main line, replacing old and lighter structures; 5 rail floor culverts and 5 deck girder bridges on the Chenango branch, replacing wooden trestles and culverts; also 5 through girder bridges, 2 deck girder bridges, and 1 through truss bridge on the line from Rochester to Otis, replacing lighter structures. Two open culverts and cattle passes have been filled. New end walls have been built to six arch culverts. One hundred and thirty-two stone box culverts have been rebuilt or replaced with iron pipe. The masonry has been rebuilt to 14 bridges and to 32 extensively repaired, also rebuilt to 3 open culverts and cattle passes and 16 extensively repaired. Two hundred and sixty-eight iron bridges have been repainted. Forty-four new station and other buildings have been erected on the main line, 47 repaired, and 463 repainted twice. Three new water columns, 1 water softening plant, 1 track water trough, 3 stock drenchers and 1 track scale have been built and 2 water stations improved. Eight new station and other buildings have been erected on the Auburn branch, 1 new coal platform, 4 buildings have been repaired and 75 buildings repainted. Six new station and other buildings have been erected on the Buffalo and Niagara Falls branch, 1 new coal platform constructed, 1 station repaired, and 67 station and other buildings repainted twice. On the Rochester and Niagara Falls branch 12 new buildings have been erected, 2 new coal platforms, 3 new track scales put in, 2 new stock yards built, 1 water station improved, 2 buildings extensively repaired, 1 engine house built, and 146 buildings repainted. On the Canandaigua and Niagara Falls branch 1 new station has been erected and 2 repainted; on the Charlotte branch, 3 new buildings have been erected and 9 repainted; on the Attica branch 5 buildings have been repainted; on the main line of the West Shore Railroad 1 new station has been erected, also 1 new water tank, 1 new track scale put in, 3 stations repaired and 14 buildings repainted; on the Chenango branch 1 new station has been erected, 1 new water tank, a new water column installed and 6 buildings repainted; on the main line 24.3 miles of fence have been rebuilt and 42.1 miles repaired; on the Syracuse Junction branch, 1 mile rebuilt and 5 miles repaired; on the Auburn branch, 10 miles rebuilt and 5 miles repaired; on the Buffalo and Niagara Falls branch, 7½ miles rebuilt; on the Rochester and Niagara Falls branch, 10 miles rebuilt; on the Canandaigua and Niagara Falls branch, 12 miles rebuilt and 5 miles repaired; on the Charlotte branch, 1.10 miles rebuilt and 1 mile repaired; on the Attica branch, 7.2 miles rebuilt; on the West Shore Railroad main line, 17 miles have been rebuilt and 28 miles repaired; on the Chenango branch, 3 miles rebuilt and 20 miles repaired. In addition to this, lighter repairs have been made to fences generally.

Recommendations.

That necessary rail renewals be made on the Attica and Chenango branches, and that the loose track bolts on those branches be tightened.

River Division.

(Inspected Oct. 3, 4, 1906.)

The main line of the River division includes that portion of the West Shore railroad from New Jersey State line, near Tappan, to the west end of Ravena yard, 111.17 miles, double track with 7.74 miles of third main track and 73.48 miles of sidings and yard tracks: The Wallkill Valley railroad, from a con-

nection with the main line West Shore railroad at Kingston to Montgomery, a distance of 32.88 miles, single track, with 6.66 miles of sidings and yard tracks. The Albany branch, from a connection with the main line of the West Shore railroad at Ravena to a connection with The Delaware and Hudson Company's railroad at Kenwood Junction, a distance of 11.52 miles, single track, with 2.08 miles of sidings and yard tracks. The Rockland Lake branch connects with the main line of the West Shore railroad at Congers and extends to Rockland Lake, a distance of 1.17 miles, and has 0.35 miles of sidings. This branch is used almost entirely for switching purposes, mainly handling cars of ice between Rockland Lake and Congers yard; it is laid with 67-pound rail, connected by angle plates 36 inches in length with six bolts. This branch is in good condition for the purpose for which it is used and is not considered further in this report.

Roadbed.

The main line is very well graded and properly drained. For much of the distance the road is built alongside the Hudson river, where there are many side cuts through rock along the foot of the mountain where the slopes are very steep, and there is considerable loose rock. Three gangs are maintained removing rock where apparently there is danger of its falling upon the track. This work has been going on for several years and there are few places remaining where there is apparently any danger; one of those places is around the foot of Storm King mountain, where the cliff is nearly perpendicular for several hundred feet, where rock has already broken loose and where more rock may fall. This and all other portions of the road where danger may be anticipated are carefully watched, forty-two slope watchmen being constantly employed for that purpose. The embankments, which in many places rest partially on the river, have been or are now being thoroughly riprapped to protect them from the action of the water and ice. There are a few earth cuts through material of a quicksand nature at various places along the road where the slopes are upheld by pile docking or retaining walls; these are generally in fair condition. Some docking was noticed at Newburgh that is in need of repairs,—also at Newburgh a retaining wall is beginning to fail and men were engaged rebuilding it. There are five tunnels, mainly through rock, and they are all apparently in good condition. At each tunnel watchmen are constantly employed. The ditches are generally in good condition and the roadway well drained. The Albany branch is fairly well graded; a few cuts were observed where slopes were upheld by pile docking, which was in fair repair. The roadway is well drained. The Wallkill Valley railroad is fairly well graded and the drainage system good.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges are in good condition and generally well painted. Those of the main line are all calculated for carrying the heaviest rolling stock and motive power used on the system; the bridges of the Albany branch are some of them light, but of sufficient strength for the class of motive power used on that line. The same is true of those on the Wallkill Valley. All bridges have standard ties and guard timbers, well maintained, and inside guard rails are laid on them all. The masonry of the main line and Albany branch bridges is good; there is some poor masonry on the Wallkill Valley, and repairs and renewals are being made there. The only wooden bridges are those for overhead highway and farm crossings and they are in good repair; all less than twenty-one feet above the track are protected by warning signals. The trestle structures of the main line, mainly pile bents, have nearly all been recently renewed; they are of standard construction and in first-class condition. There are none on the Albany branch. On the Wallkill Valley there are many small ones, in places used for cattle passes and crossing small streams; they are of standard construction and in very good repair.

All open culverts and cattle passes of the main line have been replaced with concrete arches, boxes, iron pipe, or have been covered with metal and concrete, eliminating the openings to grade. In the Albany branch there yet

remain several, with good masonry, I-beam stringers, standard ties and guard timbers, in good condition; men are, however, engaged putting on solid flooring of metal and concrete. On the Wallkill Valley railroad quite a number of open culverts and cattle passes have been replaced with concrete arch or box culverts, or iron pipe and filling; there yet remain a large number, some of which have rather poor masonry and the stringers are supported on bents on account of the poor masonry; some have I-beam, others wood stringers, and a few have stringers consisting of rails,—all, however, in safe condition. The ties and guard timbers are standard and in fair repair. The arch and box culverts of the main line and Albany branch are all in good condition. On the Wallkill Valley road there are some stone box culverts that are failing and will need renewal or replacing with iron pipe before very long; a large number have already been replaced with iron pipe, and I am advised that arrangements are made for replacing others.

Track.

The standard cross-ties are 7 x 9 inches, 8 feet in length, and are laid at the rate of 2,816 to the mile of track. On the main line and Albany branch they are all yellow pine; on the Wallkill Valley about 33 per cent. oak, 40 per cent. chestnut, 25 per cent. cedar and 2 per cent. yellow pine. The ties are very well spaced and full spiked; necessary renewals have been made and they are in good condition. The main line is laid with 80-pound steel rail, connected by angle plates 36 inches in length with six bolts; the Albany branch with 67-pound steel rail, connected by angle plates 36 inches in length with four bolts; the Wallkill Valley has 24.77 miles laid with 67-pound, 7.78 miles with 60-pound and 0.34 miles with 56-pound steel rail, connected by angle plates 36 inches in length with six bolts. The main line rail is in first class condition; that of the Albany branch in very fair condition; the 67-pound rail of the Wallkill Valley is in very good condition, the 60-pound and the 56-pound somewhat worn and is being replaced. All the connections are full bolted and no loose bolts were observed.

The main track switches are split point; rigid and automatic stands are both used. The targets are in good condition. Many of the stands have high targets, and outlying and obscure switches where not protected by electric block signals have distant signals interlocked with the mechanism of the switch stand. Switch and semaphore lamps show red light for danger, green for safety and yellow for caution. Nearly all main track frogs are spring rail and are properly maintained. Derailing switches are in all tracks where their use appears necessary. On the main line nearly all are interlocked with the main track stands. All have proper targets.

About 78 miles of the main line tracks are well ballasted with broken stone and the remainder, 33.17 miles, with gravel and cinders in fair quantity. The Albany branch is very well ballasted with gravel and cinders, and the Wallkill Valley Railroad with gravel and cinders in medium quantity.

The alignment and surfacing of the main line tracks is first class, of the Albany branch and Wallkill Railroad good, and the outer rail on curves is properly elevated for the speed at which the trains are scheduled.

The main line track sections are about 3.45 miles in length and the force employed upon each consists of a foreman and four laborers; the Albany branch, 3.84 miles in length and the force employed a foreman and three laborers; the Wallkill Valley Railroad, 5.46 miles and the force employed a foreman and three laborers. Regular track-walkers are not employed, but all portions of the road are patrolled daily by some member of the section force. Each gang is furnished with flags, lanterns and torpedoes for protecting their work.

General Alignment, Grades and Curves.

The main line where the track follows along the westerly shore of the Hudson river is very crooked and many of the curves fairly sharp; the maximum is 9 degrees and 40 minutes, located at Highland Falls; on the remaining portion of the line the general alignment is fair and curves light.

The Albany branch has very light curves, the maximum being 3 degrees. On the Wallkill Valley the northerly portion of the road is crooked; on the southerly portion the general alignment is good; the maximum curve is 10 degrees and 14 minutes, near Rosendale. The grades of the main line are generally light; the maximum is 55 feet per mile, near Blauvelt. The maximum grade of the Albany branch is 36 feet per mile. The grades of the Wallkill Valley Railroad are very much broken but not generally steep; the maximum is 62.6 feet per mile.

Grade Crossings of Railroads.

The main line crosses at grade two tracks of the Ulster and Delaware Railroad at Kingston—protected by an interlocking plant. Two tracks of the Kingston Consolidated Railroad (electric) at Kingston—there are no derailling switches in the track of the electric road nor protection over the trolley wire. The Wallkill Valley Railroad crosses the same two tracks of the Kingston Consolidated Railroad close alongside the main line at Kingston; the same conditions exist there as at the crossing of the main line.

Interlocking.

Interlocking plants are maintained as follows: At north end of Cornwall yard, governing the movements of trains at that end of the yard; also the connection with the New York, Ontario and Western Railway. At Newburgh, south end of yard, governing the movements of trains at that end of the yard; this is now a temporary plant, but a new and modern one is being constructed. At Kingston, governing the movements of trains at the crossing of the Ulster and Delaware Railroad.

Right of Way.

The right of way is free from trees, brush and rubbish, and, excepting at inaccessible points along the Hudson, is fenced with wire; in fair repair.

Highway Crossings.

The highway crossings are properly graded, well planked, and protected by signs mainly of the triangular form. Highway grade crossings are protected as follows: 12 of the main line by flagmen, 19 by flagmen and gates, 13 by electric bells, and 49 by crossing signs only; on the Albany branch, 6 by crossing signs only; on the Wallkill Valley Railroad, 43 by crossing signs only.

Block System.

The movements of trains on the main line are governed by the automatic electrical block system from New Jersey State line to Cornwall, and that system is now being extended to Newburgh; on the balance of the main line and the branch lines the movements are governed by the telegraphic block system.

Stations, Etc.

The stations buildings are in very fair repair and in good sanitary condition; drinking water is provided and time tables are posted in the waiting-rooms; fire hose is furnished at stations where there is a water system, and fire extinguishers kept in all stations. The station platforms are of plank, gravel, stone screenings and concrete and are in good condition. The station grounds are clean and neat. All station employees are uniformed and wear a badge indicating their employment.

Note.—For equipment see general remarks at the end of this report.

Repairs and Improvements.

The principal repairs and improvements noticed as having been made since the last inspection (September, 1904) are as follows: Very extensive rapping has been done to protect embankments, the foot of which extend into the Hudson river. A large amount of loose rock has been removed from

the slopes, and three gangs are now engaged removing other loose rock. Many cuts have resloped and widened and better ditches made. A portion of the retaining wall through Newburgh has been rebuilt and men were engaged in rebuilding other portions of wall that is failing. The electrical block system has been considerably extended and second main track built for several miles north of the New Jersey State line, and grading is in progress for extending the third track northward. About 15 per cent. of the main line cross-ties have been renewed, 37 per cent. of those in the Albany branch, and 16 per cent. in the track of the Wallkill Valley Railroad; 3.8 miles of new 80-pound rail have been laid in the main line track, replacing worn 80-pound rail, and 6.8 miles of 67-pound rail in the track of the Wallkill Valley Railroad, replacing worn 60 and 56-pound rail; 19.7 miles of main line track have been rebalasted with broken stone, and 9.4 miles with cinders; 3.5 miles of the Albany branch and 3 miles of the Wallkill Valley Railroad with cinders. Twenty-two new steel and iron bridges have been put in on the main line, replacing old and lighter structures, one on the Albany branch, and seven on the Wallkill Valley Railroad. Three timber trestles of the West Shore Railroad have been entirely rebuilt, four replaced with steel and iron bridges, and five with concrete culverts and filling. One cattle pass of the Wallkill Valley Railroad has been replaced and one filled. The masonry to four bridges on the main line has been rebuilt, to five others extended for another track, and one raised to give proper clearance. Necessary repairs have been made to other masonry. Twelve new station and other buildings have been erected on the main line and two on the Wallkill Valley Railroad. Three of the main line stations have been extensively repaired and two on the Wallkill Valley Railroad. Twenty-one main line station and other buildings have been repainted, one on the Wallkill Valley Railroad and one on the Albany branch. Eight and ninety-one-hundredths miles of fence of the main line have been rebuilt, and 17.10 miles extensively repaired; 0.50 miles of the Albany branch rebuilt and 0.25 miles extensively repaired; 0.50 miles of the Wallkill Valley Railroad rebuilt and 0.25 miles extensively repaired. Necessary repairs have been made to other fences. Four new water tanks have been erected on the main line.

Recommendations.

That the riprapping of embankments along the Hudson river be continued; that the loose and overhanging rock at Storm King Mountain be removed or a tunnel constructed at that place; that the poor pile docking supporting slopes at Newburgh be rebuilt and the remainder of the poor retaining wall in Newburgh be also rebuilt.

Rome, Watertown and Ogdensburg Division.

(Inspected October 22, 23, 24, 25, 26, 27, 1906.)

The Rome, Watertown and Ogdensburg division is made up of the following lines: Utica and Black River Railroad, main line, from a connection with the main line of the New York Central and Hudson River Railroad at Utica to Ogdensburg, 134.28 miles, single track, with 41.77 miles of sidings and yard tracks; Clayton branch, from a connection with the Utica and Black River main line at Riverside Junction to Clayton, 15.85 miles, single track, with 4.07 miles of sidings and yard tracks; Rome, Watertown and Ogdensburg main line, from a connection with the main line of the New York Central and Hudson River Railroad at Syracuse to Massena Springs, 161.21 miles, with 1.48 miles second main track (located in Watertown), and 79.18 miles of sidings and yard tracks; De Kalb branch, from a connection with the main line at De Kalb Junction to Ogdensburg, 19.04 miles, single track, with 2.67 miles of sidings and yard tracks; Gouverneur and Oswegatchie Railroad, from a connection with the main line at Gouverneur Junction to Edwards, 13.24 miles, single track, with 3.20 miles of sidings and yard tracks; Cape Vincent branch, from a connection with the main line at Watertown Junction to Cape Vincent, 24.43

miles, single track, with 12.11 miles of sidings and yard tracks; Carthage, Watertown and Sacketts Harbor Railroad, from Sacketts Harbor to Watertown Junction and Watertown to Carthage, on the line of the Utica and Black River Railroad, 28.76 miles, single track, with 9.43 miles of sidings and yard tracks; Carthage and Adirondack Railway, from a connection with the Utica and Black River Railroad at Carthage to Newton Falls, 45.35 miles, single track, with 13.92 miles of sidings and yard tracks; Rome branch, from a connection with the main line R., W. & O. R. R. at Richland Junction to Rome, 41.28 miles, single track, with 15.69 miles of sidings and yard tracks; main line (Western division), from a connection with the main line of the Rome, Watertown and Ogdensburg at Pulaski to Suspension Bridge, 175.18 miles, with 3.47 miles of second main track and 58.31 miles of sidings and yard tracks; Phoenix branch, from a connection with the main line R., W. & O. at Woodard Junction to Fulton, 17.08 miles, single track, with 1.63 miles of sidings and yard tracks; Rochester branch, from a connection with the main line (Western division) at Windsor Beach Junction to Rochester, 7.30 miles, with 2.57 miles of sidings and yard tracks.

Roadway.

The cuts and embankments of all the lines are of very fair width and proper slopes, and the roadway very well drained. Subdrains of tile are laid in ditches of wet cuts.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges are in good condition and generally well painted; a few, however, were observed that would be benefited by an additional coat of paint. The ties and guard timbers are of suitable dimensions and properly maintained. Inside guard-rails are laid on all the long and high bridges. The bridge masonry is generally in good condition and repairs or renewals are being made as rapidly as possible. Very many new bridges have been put in within the past few years, replacing wooden and lighter iron bridges, to accommodate heavier motive power which the company desires to use. In some cases proper back walls could not well be constructed at the time the bridges were put in, and timber was used; much of this timber has been replaced by stone or concrete—there yet remain, however, a large number, where timber is still in use and which should be replaced with something permanent. The only wooden bridges are those used for carrying overhead highway or farm crossings; they are well maintained and all less than twenty-one feet above the track are protected by warning signals, which are in good condition. There are very few timber trestles remaining in the roadway of any of the lines. On the Carthage and Adirondack Railway there still remain two small ones—they are of standard construction and in proper repair. On the main line (Western division), near Oswego, there is one quite extensive trestle, under which there passes a highway and a considerable stream; concrete arch culverts are now being built for the stream and the highway, and the trestle is being filled. On the Phoenix branch there is one framed bent structure of five parcels at the end of an iron bridge crossing the Oneida river; the new barge canal is to pass under the railroad at about this place and the replacing of the trestle has been deferred until the definite location of the canal is ascertained; it is of proper construction and in good repair.

Nearly all the open culverts and cattle passes that formerly existed on the Utica and Black River Railroad, main line, and Clayton branch have been replaced with concrete arch and box culverts, iron pipe and filling, or have been rebuilt with concrete and covered—eliminating the openings to grade. There yet remain on the north end of the road, near Ogdensburg, about twenty of those structures, which have generally poor masonry and timber stringers. Men are now engaged rebuilding those, but it will take another year to complete them. In some cases bents are placed in front of

the masonry to support the stringers on account of the masonry being bad. All are in safe condition, the stringers sufficient, the ties and guard timbers standard and in good repair. On the main line of the R., W. & O. all such structures have been covered and the openings to grade eliminated. On the De Kalb branch all but three have been covered and those are in safe condition and are to be rebuilt and covered in the near future. On the Gouverneur and Oswegatchie Railroad nearly all have been covered; the remainder have fair masonry. I-beam stringers and proper floor systems, in good condition. On the Cape Vincent branch about half have been covered and the remainder are planned to be rebuilt and covered as soon as it can be done. The masonry to those remaining is not in first-class condition, but is kept safe, and the floors are in good condition generally—a few were noticed needing the renewal of ties, and it was observed that ties were on hand to make such renewal. On a portion of the Carthage, Watertown and Sacketts Harbor Railroad, between Sacketts Harbor and Watertown Junction, there are a few open culverts and cattle passes remaining with poor masonry and timber stringers, which are also to be rebuilt as soon as it can consistently be done; all are kept in safe condition until that time arrives; between Watertown and Carthage all have been covered. On the Carthage and Adirondack Railway very few have been covered; those remaining, have generally fair masonry and I-beam stringers; a few timber stringers yet remain, but they are sound and sufficient. The ties and guard timbers are standard and well maintained. On the Rome branch all have been covered. On the main line (Western division) nearly all have been covered; the few remaining have generally poor masonry and in some cases bents are placed in front of the masonry to support the stringers. All are being safely maintained pending renewal. On the Phoenix and Rochester branches all have been covered.

The arch and box culverts and iron pipe drains are generally in good condition and the box culverts are being replaced with iron pipe as rapidly as they require attention.

Track.

The standard cross-ties are 7 x 9 inches, 8 feet in length, for square ties and 6 x 8 to 10 inches face for hewn or slab ties, 8 feet in length, and on all the lines they are laid at the rate of 2.816 to the mile of track. In the Utica and Black River Railroad and Clayton branch tracks they are about 40 per cent. yellow pine and 60 per cent. cedar; the main line Rome, Watertown and Ogdensburg, 55 per cent. yellow pine and 45 per cent. cedar; the De Kalb branch, 30 per cent. yellow pine, 3 per cent. oak and 67 per cent. cedar; the Gouverneur and Oswegatchie Railroad, 20 per cent. yellow pine, 10 per cent. oak and 70 per cent. cedar; the Cape Vincent branch, 20 per cent. yellow pine and 80 per cent. cedar; the Carthage, Watertown and Sacketts Harbor Railroad, 25 per cent. yellow pine and 75 per cent. cedar; the Carthage and Adirondack Railway, 35 per cent. yellow pine and 65 per cent. cedar; The Rome branch, 20 per cent. yellow pine and 80 per cent. cedar; the main line (Western division), 15 per cent. yellow pine and 85 per cent. cedar; the Phoenix branch, 20 per cent. yellow pine, 4 per cent. oak and 76 per cent. cedar; the Rochester branch, 30 per cent. yellow pine and 70 per cent. cedar. All cross-ties are full spiked and well spaced. Necessary renewals have been made for the season and the general condition is good. Tie-plates are extensively used on the soft wood ties. All main tracks are laid with steel rail. On the Utica and Black River Railroad 20.60 miles are laid with 80-pound, 80.96 with 70-pound, and the remainder, 32.70 miles, with 60-pound rail. The Clayton branch has 4 miles laid with 70-pound, and the remainder, 11.85 miles, with 60-pound rail. The 80-pound rails are connected by angle plates 36 inches in length with six bolts, the 70-pound by angle plates 28 inches in length with six bolts, the 60-pound by angle plates 24 inches in length with four bolts. All the connections are full bolted and the bolts tight. The 80 and the 70-pound rail are in good condition, the 60-pound rail is somewhat worn and is being replaced. The Rome, Watertown and Ogdensburg main line has 44.04 miles laid with 80-pound, 105.87 miles with 70-pound and the remainder, 12.78 miles, with 65-pound rail,—all connected by angle plates

36 inches in length with six bolts. No loose bolts were observed. The 80-pound rail is new, the 70 and 65-pound rail in fair condition. The DeKalb branch has 15 miles laid with 70-pound and 4.04 miles with 60-pound rail; the 70-pound rails are connected by angle plates 36 inches in length with six bolts, the 60-pound by angle plates 24 inches in length with four bolts. The 70-pound rail is in very good condition; the 60-pound rail is somewhat worn and is being replaced. The Gouverneur and Oswegatchie Railroad is laid entirely with 70-pound rail, connected by angle plates 36 inches in length with six bolts. The rail is in good condition, connections full bolted and bolts tight. The Cape Vincent branch is laid entirely with 60-pound rail, connected by angle plates 24 inches in length with four bolts. The rail is in fair condition, connections full bolted and bolts tight. The Carthage, Watertown and Sacketts Harbor Railroad has 24.88 miles laid with 70-pound and the remainder 3.88 miles, with 65-pound rail, connected by angle plates 36 inches in length with six bolts. The rail is in very good condition, connections full bolted and bolts tight. The Cathage and Adirondack Railway has 2.83 miles laid with 65-pound and the remainder, 43.02 miles, with 60-pound rail; the 65-pound rails are connected by angle plates 36 inches in length with six bolts, and the 60-pound by angle plates 24 inches in length with four bolts. The rail is in very fair condition, connections full bolted and bolts tight. The Rome branch is laid entirely with 80-pound rail, connected by angle plates 36 inches in length with six bolts. The rail and connections are in good condition and no loose bolts were observed. The main line (Western division) has 1.97 miles laid with 80-pound, 104.07 miles with 70-pound, and the remainder, 72.61 miles, with 60-pound rail; the 80-pound and the 70-pound rails are connected by angle plates 36 inches in length with six bolts, the 60-pound rail by angle plates 24 inches in length with four bolts. The 80 and the 75-pound rail are in very good condition, the 80-pound being new; the 60-pound rail is somewhat worn, but is yet in fair condition and is being replaced as rapidly as is necessary. The Phoenix branch is laid entirely with 70-pound rail, connected by angle plates 21 inches in length with four bolts. The rail is in fair condition, connections full bolted and bolts tight. The Rochester branch is laid entirely with 60-pound rail, connected by angle plates 24 inches in length with four bolts. The rail is in fair condition, connections full bolted and no loose bolts were observed.

All main track switches are split point; rigid and automatic stands are both used; all have proper targets; a few, located at obscure points, have high targets. Switch and semaphore lamps show red light for danger, white for safety and green for caution. Spring rail frogs are used with the heavier rail; with the 60-pound rail nearly all are rigid. All are properly maintained. Derailing switches are in all sidings connecting with the main track upon which cars are left standing, where the grade descends toward the main track, and all have proper targets.

The tracks are ballasted with gravel, slag and cinders.—the main lines generally in from fair to good quantity and the less important lines in from medium to fair quantity.

The alignment and surfacing of the track of the main lines are first class and of all the roads good, and the outer rail on curves correctly elevated for the speed at which the trains are scheduled.

The track sections vary in length from 4 to 6½ miles according to location and the amount of yard tracks that have to be maintained: the average force on each section is a foreman and from three to four men in winter and five to six men in summer. Each section gang is furnished with flags, lanterns and torpedoes for protecting their work. Regular track-walkers are not employed, but all portions of the road are patrolled daily by some member of the section force.

General Alignment, Grades and Curves.

The general alignment of the Utica and Black River Railroad and the Clayton branch is very good, and nearly all curves light; the maximum on the Utica and Black River is 7 degrees, and the Clayton branch 8 degrees. The general alignment of the Rome, Watertown and Ogdensburg main line

is considerably crooked and most curves light; the maximum is 11 degrees, located at Pulaski; this curve is now being reduced. The maximum curve on the De Kalb branch is but 4 degrees. The Gouverneur and Oswegatchie road is very crooked; the maximum curve is 9 degrees, at Hailesboro. The Cape Vincent branch has few curves and mostly light; the maximum is 6 degrees, at Three Mile Bay. The Carthage, Watertown and Sacketts Harbor has generally light curves; the maximum is 7 degrees, located at Black River. The Carthage and Adirondack Railway is extremely crooked and has a number of 8-degree curves. The Rome branch has very light curves, the maximum is 3 degrees and 30 minutes. The main line (Western division) is somewhat crooked at the easterly end, but has no sharp curves, and very many long tangents on the westerly portion; the maximum curve is 5 degrees. The maximum curve of the Phoenix branch is but 2 degrees and 20 minutes. The Rochester branch is very crooked; the maximum curve is 10 degrees and 30 minutes. The maximum grade of the Utica and Black River Railroad is about 68½ feet per mile; the Clayton branch, 70½ feet per mile; the Carthage and Adirondack Railway, 118.8 feet per mile; the Carthage, Watertown and Sacketts Harbor, 88.6 feet per mile; the Rome, Watertown and Ogdensburg main line, generally light, with maximum of 99 feet per mile for a short distance in Syracuse; the De Kalb branch 54.90 feet; the Cape Vincent branch, 40 feet; the Gouverneur and Oswegatchie, 99.20 feet; the Phoenix branch, 58.10 feet; the Rome branch, 43 feet; the main line (Western division), 52.8 feet; the Rochester branch, 84.50 feet.

Grade Crossings of Railroads.

The Utica and Black River main line crosses at grade three tracks of the Rome, Watertown and Ogdensburg main line at Philadelphia, protected by a tilting board signal and all trains are required to come to a full stop before crossing. The Rome, Watertown and Ogdensburg main line crosses at grade one track of the Rutland Railroad at Norwood; protected by a tilting board signal and all trains are required to come to a full stop before crossing. Two tracks of the Utica and Black River main line at Philadelphia; protected by a tilting board signal and all trains are required to come to a full stop before crossing. One track of the Black River Traction Company's electric railroad on High street, and another on Court street, Watertown; there are no derailing switches in the track of the electric road nor protection over the trolley wire. Two tracks of the New York, Ontario and Western Railway at Central Square; protected by a tilting board signal and all trains are required to come to a full stop before crossing. Two tracks of the New York Central Syracuse Junction Railroad at Salina; protected by interlocking signals; all trains are required to come to a full stop before crossing. Two tracks of the West Shore Railroad at Syracuse; protected by interlocking signals; all trains are required to cross under full control. Two tracks of the Syracuse, Lakeside and Baldwinsville Railway (electric) on Noxon street, Syracuse; there are derailing switches in the track of the electric road, but they were found closed; there is no protection over the trolley wire. Two tracks of the Syracuse Rapid Transit Railway (electric) on West Genesee street, Syracuse; there are no derails in the track of the electric road nor protection over the trolley wire. The De Kalb branch crosses in Ogdensburg one track of the Ogdensburg Street Railway (electric); there is a derailing switch in the track of the electric road in one direction; no protection over the trolley wire. The main line (Western division) crosses one track of the New York, Ontario and Western Railway at East Oswego and another on Ninth street, Oswego; each crossing is protected by a tilting board signal and all trains are required to come to a full stop before crossing. One track of the Oswego Traction Company's railroad (electric) on Tenth street, one on Bridge street and one on First street, Oswego; there are no derailing switches in the track of the electric railroad at either place nor protection over the trolley wire. One track of the Lehigh Valley Railroad at Sterling; protected by a tilting board signal and all trains are required to come to a full stop before crossing. One track of the Northern Central Railway at Wallington; protected by interlocking signals; all trains are required to

come to a full stop before crossing. Three tracks of the Charlotte branch of the New York Central and Hudson River Railroad at Charlotte; protected by a tilting board signal and all trains are required to come to a full stop before crossing. The Rochester branch crosses one track of the Rochester and Suburban Railway (electric) near Rochester; there are no derailing switches in the track of the electric road, but a proper copper trough over the trolley wire. The Cape Vincent branch crosses on Main street, Watertown, one track of the Black River Traction Company's electric railroad; there are no derailing switches in the track of the electric road nor protection over the trolley wire. The Carthage, Watertown and Sacketts Harbor Railroad crosses at grade one track of the Black River Traction Company's railroad on High street, Watertown; there are no derailing switches in the track of the electric road nor protection over the trolley wire.

Interlocking.

No interlocking plants are maintained by this division, and the only places interlocked are where connection is made with the New York Central main line at Utica, Rome and Syracuse, and with the Lewiston branch at Suspension Bridge.

Right of Way.

The right of way is free from trees, brush and rubbish, and is generally well fenced with wire. It was noticed that some repairs were needed on the Gouverneur and Oswegatchie and Carthage, Watertown and Sacketts Harbor railroads. No fences are maintained on the Carthage and Adirondack Railroad, where the road runs through the forest.

Highway Crossings.

The highway crossings are well graded and planking well maintained; all are protected by signs of the diamond form, properly located and well painted. Metallic slat cattle guards in first-class condition, with proper guard fences, are maintained at each boundary of all the highways crossed at grade. Grade crossings are protected as follows: Utica and Black River line, 4 by flagmen, 3 by flagmen and gates, 1 by an electric bell and 112 by crossing signs only; Clayton branch, 17 by crossing signs only; main line Rome, Watertown and Ogdensburg, 8 by flagmen, 4 by flagmen and gates, 1 by an electric bell and 168 by crossing signs only; De Kalb branch, 2 by flagmen and 33 by crossing signs only; Gouverneur and Oswegatchie, 16 by crossing signs only; Cape Vincent branch, 1 by flagman and gates and 28 by crossing signs only; Carthage, Watertown and Sacketts Harbor, 39 by crossing signs only; Carthage and Adirondack Railway, 1 by flagman and 30 by crossing signs only; Rome branch, 2 by flagmen and 42 by crossing signs only; main line (Western division), 23 by flagmen, 4 by electric bells, and 196 by crossing signs only; Phoenix branch, 29 by crossing signs only; Rochester branch, 9 by flagmen, 1 by flagman and gates and 8 by crossing signs only.

Block System.

The movements of trains on all lines are governed by the telegraphic block system.

Stations, Etc.

The station buildings are generally in good repair and the sanitary condition good. The station building at Booneville is an old structure and too small for the requirements; plans are made for enlarging and improving this station. At Oswego the company owns no passenger station, but occupies jointly the passenger station of the Delaware, Lackawanna and Western Railroad: the station formerly maintained in Oswego was burned nearly two years ago, and while plans have been prepared for a new station no work has been done on its erection. Fire extinguishers are furnished in all stations. The station platforms are of plank, gravel, stone screenings and slag and are well maintained. The station grounds are well kept. All station employees are uniformed and wear a badge indicating their employment.

Note.—For equipment, see general remarks at the end of this report.

Repairs and Improvements.

The principal repairs and improvements noticed as made since the last inspection (September, 1904), are as follows: The station yard at Lyons Falls has been remodeled and extended and a new passing track put in; an extensive new yard has been put in at Carthage; the yard at Richland Junction remodeled and enlarged. The grading is nearly completed for second main track on the Rome, Watertown and Ogdensburg main line between Pulaski and Richland; the grades are being reduced and alignment improved in the vicinity of Pulaski, and second main track being constructed between Woodard and Liverpool. A new yard is being constructed at Fulton, on the Phoenix branch; quite extensive additions have been made to various yards, and passing tracks built or extended at many places. 18 per cent. of the cross-ties of the Black River main line; 16 per cent. of those on the Clayton branch; 20 per cent. on the Carthage and Adirondack; 20 per cent. on the main line (Western division); 18 per cent. on the Rome, Watertown and Ogdensburg main line; 15 per cent. on the Rochester branch; 20 per cent. on the Rome branch; 20 per cent. on the Phoenix branch; 10 per cent. on the Cape Vincent branch; 20 per cent. of the Carthage, Watertown and Sacketts Harbor; 18 per cent. on the De Kalb branch; and 18 per cent. on the Gouverneur and Oswegatchie Railroad,—have been renewed. 44.04 miles of new 80-pound rail have been laid on the main line of the Rome, Watertown and Ogdensburg, replacing lighter, worn rail; 40.20 miles of 70-pound rail on the main line (Western division); 8.09 miles on the Carthage, Watertown and Sacketts Harbor; 15 miles on the De Kalb branch, and 4 miles on the Clayton branch, replacing lighter, worn rail. 10.70 miles of track of the main line (Western division) have been rebalasted with gravel; 7.30 miles with cinders, and 27.13 miles with slag; 77.77 miles of the main line Rome, Watertown and Ogdensburg with gravel and 3 miles with cinders; 0.50 miles of the Phoenix branch with cinders; 6.50 miles of the Rome branch with cinders; 4.50 miles of the Cape Vincent branch with gravel; 14.89 miles of the Carthage, Watertown and Sacketts Harbor with gravel; 3 miles of the De Kalb branch with gravel; 6 miles of the Gouverneur and Oswegatchie with cinders; 46 miles of the Utica and Black River main line with gravel; and 14 miles of the Carthage and Adirondack Railway with gravel. Three new steel bridges have been put in on the Western division main line, replacing one light iron bridge and two wooden trestles; 2 in the Rome, Watertown and Ogdensburg main line, replacing one light iron bridge and one wooden trestle; and three on the Utica and Black River main line, replacing two light iron bridges and one wooden trestle. Twenty open culverts and cattle passes of the Western division main line have been rebuilt and covered and three replaced with iron pipe; 11 of the Rome, Watertown and Ogdensburg main line rebuilt and covered, and two replaced with iron pipe; 7 of the Carthage, Watertown and Sacketts Harbor and 4 of the De Kalb branch rebuilt and covered; 71 of the Utica and Black River main line rebuilt and covered, 23 replaced with cast iron pipe and 3 filled; one of the Clayton branch and one of the Carthage and Adirondack Railway rebuilt and covered. Three arch and stone box culverts have been rebuilt and 12 replaced with cast iron pipe. The masonry to 3 bridges has been repaired. Eight new station and other buildings on the Western division main line have been erected, 24 repaired and 90 repainted; 17 of the Rome, Watertown and Ogdensburg main line erected, 14 repaired and 143 repainted; one on the Phoenix branch erected and 8 repainted; one on the Rome branch erected and 4 repainted; one on the Cape Vincent branch erected, one repaired and 3 repainted; five on the Carthage, Watertown and Sacketts Harbor erected, two repaired and ten repainted; eight on the Utica and Black River main line erected, seven repaired and 75 repainted; three on the Clayton branch erected, one repaired and 19 repainted; five on the Carthage and Adirondack Railway erected, two repaired and nine repainted. Seventy-two steel and iron bridges have been repaired. Nineteen miles of fence of the main line (Western division) have been rebuilt and 10 repaired; 29 miles of the Rome, Watertown and Ogdensburg main line rebuilt and 34 repaired; 0.65 miles of the Rome branch rebuilt; 0.66 miles of the Cape Vin-

cent. branch rebuilt; 4.70 miles of the De Kalb branch rebuilt and 8.50 miles repaired; 10 miles of the Gouverneur and Oswegatchie repaired. Lighter repairs have been made to other fences. Twelve bridges, open culverts and cattle passes of the Rome, Watertown and Ogdensburg main line, two of the Rome branch and three of the Utica and Black River main line have been widened for second track. Four new cast iron pipe culverts have been put in on the Rome, Watertown and Ogdensburg main line and one on the De Kalb branch. Twenty-three culverts of the Rome, Watertown and Ogdensburg main line, two of the Phoenix branch and one of the Rome branch have been extended for second track. Two concrete arch culverts have been put in on the main line (Western division), three on the Rome, Watertown and Ogdensburg main line, and seven on the Utica and Black River line,—replacing open culverts and cattle passes.

Recommendations.

That the remainder of the bridges be repainted to prevent injury from rust; that the wooden back walls at bridges, open culverts, etc., be replaced with masonry, and that necessary repairs be made to fences of the Gouverneur and Oswegatchie and Carthage, Watertown and Sacketts Harbor Railroads.

General Equipment.

The passenger and freight equipment is well maintained, all equipped with automatic couplers. All the passenger equipment and 90 per cent. of the freight cars have air brakes. The coaches are heated by steam and lighted with gas, oil or electric lamps. Drinking water is furnished and emergency tools are properly located in the center of the cars; emergency tools are also carried in mail, baggage, and express cars. All the passenger equipment is clean, disinfected regularly, and kept in first-class sanitary condition. The passenger trainmen are uniformed and wear a badge indicating their employment. Box cars have grab irons on the side and ladders on the ends, apparently well secured. The running boards on the top of the cars appear to be well maintained. All the train crews are furnished with red flags, lanterns, torpedoes and fuses, and the same are carried on all locomotives. There has been added to the equipment since the inspection of September, 1904, 317 locomotives, 67 passenger cars, and 8,530 freight cars.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company informed the Board that the recommendations would be complied with. (No. 23 — 1906.)

BOSTON AND ALBANY RAILROAD.

(Inspected October 5, 1906.)

On October 5, 1906, I inspected the portion of the Boston and Albany Railroad in this State, and respectfully submit the following report:

The portion of the Boston and Albany Railroad in the State of New York consists of the main line, from its connection with the main line of the New York Central and Hudson River Railroad at Rensselaer to the Massachusetts State line, 38.56 miles, all double track, with approximately five miles of third main track, which is now being extended, and approximately thirty-two miles of sidings and yard tracks; The Hudson and Chatham branch, from a connection with the main line at Chatham to Hudson, 17.33 miles, with approximately one mile of second main track and seven miles of sidings and yard tracks.

The roadway is well graded and properly drained. There is one tunnel, through rock, about 620 feet in length; it is located on the main line near the State line; it is 23½ feet in width and 17½ feet in height and in first-class condition.

The steel and iron bridges are in first-class condition. Those on the main line are well painted; some on the Hudson and Chatham branch need repainting. The ties and guard timbers are in first-class condition and inside guard-rails are maintained on all. The masonry is in good condition. There are no wooden bridges except for overhead highway and farm crossings; they are properly maintained and all less than twenty-one feet above the track are protected by warning signals, which are in first-class condition. There are no timber trestles remaining in the roadway.

Most of the open culverts and cattle passes that formerly existed have been covered with metal and concrete; those remaining have good masonry, I-beam stringers, standard ties and guard timbers, in good repair. The arch and box culverts and iron pipe drains are properly maintained.

The standard cross-ties are 7 x 9 and 7 x 8 inches, 8 feet in length, and are laid at the rate of 2,640 to the mile of track; those in the main line track are about 75 per cent. yellow pine and 25 per cent. chestnut; in the Hudson and Chatham branch 85 per cent. chestnut and 15 per cent. princeps pine. They are in good condition, evenly spaced and full spiked. Four and twenty-five-hundredths miles of the main line track are laid with 100-pound and the remainder, 72.87 miles, with 95-pound steel rail; the Hudson and Chatham branch has 2.33 miles laid with 80-pound, 15 miles with 72-pound, and 1 mile with 95-pound steel rail; the rails are connected by angle plates from 20 to 36 inches in length with 4 and 6 bolts. The rail is in good condition, all connections full bolted and no loose bolts were observed.

All main track switches are split point. Most of the switch stands are automatic; all have proper targets. Facing switches outside of yards are protected by distant signals. Switch and semaphore lamps show red light for danger, white for safety, and green for caution. Nearly all main track frogs are rigid. Derailing switches are in all sidings of the main line upon which cars are left standing, where the grade descends toward the main track, and are interlocked with the switch stands. In some cases on the Hudson and Chatham branch blocks are secured on the rails in place of derailing switches, and where there are derailing switches they have proper targets.

The main line tracks are ballasted with broken stone and gravel in good quantity; those of the Hudson and Chatham branch with gravel and cinders in fair quantity.

The alignment and surfacing of the tracks are first-class and the outer rail on curves properly elevated.

The grades of the main line are long and fairly regular, with a maximum of 42 feet per mile; of the Hudson and Chatham branch they are steep in the vicinity of Hudson, with a maximum of 190 feet per mile. The main line is considerably crooked, with a maximum curve of 6 degrees and 40 minutes, east of Chatham; the maximum curves of the Hudson and Chatham branch are 6 degrees.

Two freight tracks of the main line cross the Troy and Greenbush branch of the New York Central and Hudson River Railroad at grade in Rensselaer—protected by an interlocking plant. The Hudson and Chatham branch is crossed at Upper Hudson by one track of the Albany and Hudson Railroad (electric)—there are no derailing switches in the track of the electric railroad nor protection over the trolley wire. Two freight tracks of the Hudson and Chatham branch cross four tracks of the main line of the New York Central and Hudson River Railroad at Hudson—protected by an interlocking plant.

Interlocking plants are maintained as follows: At east end of Rensselaer yard, west end of Chatham yard, east end of Chatham yard, and at east end of the yard at Hudson.

The right of way is free from trees, brush, and rubbish, and on the main line is well fenced, generally with wire. The right of way of the Hudson and Chatham branch is very narrow. On this road many of the original property owners agreed to maintain fences, but failed to do so in most cases—therefore, fences are poor and lacking.

The Highway crossings are well graded and planking in good condition. The crossing signs are of the finger-board design, and on the main line are placed one on either side of the railroad at each crossing. Metallic slat cattle guards, with proper guard fences, are in place at each boundary of all the highways crossed at grade. Three grade crossings of the main line are protected by flagmen and three by flagmen and gates; six of the Hudson and Chatham branch by flagmen and three by flagmen and gates.

The track sections are approximately four miles in length and the force maintained on each consists of a foreman and three laborers in winter, and ten laborers in summer. Each section gang is furnished with flags, lanterns, and torpedoes, and all portions of the road are patrolled daily.

Automatic electric block signals are maintained over most of the main line; aside from block signals, the movements of the main line trains and also those of the Hudson and Chatham branch are governed by the telegraphic block system.

The station buildings are in first-class repair, clean and neat and properly furnished. The station employees are uniformed and wear a badge indicating their employment.

The motive power and rolling stock are in first-class condition. The passenger equipment has automatic couplers and air brakes. The cars are heated by steam and lighted with oil, gas, and electric lamps. Water for drinking is furnished, and emergency tools are properly located in the center of the cars. All passenger trainmen are uniformed and wear a badge. The freight equipment is in good condition; all have automatic couplers, and about 90 per cent. air brakes. Grab irons are on the side of box cars and ladders on the ends. The running boards appear to be properly maintained.

The principal repairs and improvements noticed as made since the last inspection (July, 1904), are as follows: About 20 per cent. of the cross-ties have been renewed. Four and twenty-five-hundredths miles of new 100-pound rail have been laid in the main track, replacing worn 95-pound rail, and about 1 mile of 95-pound rail on the Hudson and Chatham branch, replacing worn 72-pound rail. About 50 miles of single track of the main line have been rebalasted with broken stone. On the main line the east span of bridge No. 211 is being replaced, and bridge No. 209 has had new iron stringers put in; No. 205 new deck plate girder, replacing lighter bridge, and masonry repaired; Nos. 202 and 203 have had floor beams strengthened, and new ties put on bridges Nos. 201 and 202. On the Hudson and Chatham branch one new iron bridge has been put in, and six box culverts have been replaced with iron pipe.

Recommendations.

That necessary repainting of bridges on the Hudson and Chatham branch be done to prevent injury from rust, and the fences of that branch be put in proper repair.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that the recommendations would be complied with. (No. 24 — 1906.)

NEW YORK, ONTARIO AND WESTERN RAILWAY.

(Inspected June 25, 26, 27, 28, 29, 1906.)

On June 25, 26, 27, 28, and 29, 1906, I made an inspection of the railroads in this State operated by the New York, Ontario and Western Railway Company, and respectfully submit the following report:

The New York, Ontario and Western Railway Company operates in the State of New York the following named lines of steam railroad: Main line, from a connection with the West Shore Railroad at Cornwall to

Oswego, 271.75 miles, with 100.27 miles of second main track and 112.97 miles of sidings and yard tracks—the second main track extending from Cornwall to Cadosia, with the exception of from Strongtown to Young's Gap, north of Liberty, 6.52 miles, and through the tunnels, where only a single track is maintained; it is expected that the second main track will be made between Strongtown and Young's Gap in the near future—which will make continuous second track with the exception of tunnels, from the eastern terminal to the junction with the Scranton division at Cadosia. Ellenville branch and Ellenville and Kingston Railroad, from junction with the main line at Summitville to Kingston, 34.94 miles, single track, with 6.19 miles of sidings and yard tracks. Port Jervis, Monticello and Summitville Railroad, from a connection with the main line at Summitville to Port Jervis, with branch to Monticello, 40.80 miles, single track, with 4.35 miles of sidings and yard tracks. Scranton division, from junction with the main line at Cadosia to the Pennsylvania State line near Hancock, 2.91 miles, single track, with 0.62 miles of sidings and yard tracks. Delhi branch, from a connection with the main line at Walton to Delhi, 16.84 miles, single track, with 2.28 miles of sidings and yard tracks. New Berlin branch and Wharton Valley Railroad, from a connection with the main line at New Berlin Junction to Edmeston, 29.18 miles, single track, with 2.91 miles of sidings and yard tracks. Pecksport Connecting Railway, from Pecksport, on the Utica division, to White's Corners, on the main line, 3.69 miles, single track, with 0.80 miles of sidings and yard tracks. Utica division, from Randallsville, on the main line, to Utica, 31.3 miles, single track, with 17.75 miles of sidings and yard tracks. Rome branch, from Clinton, on the main line of the Utica division, to Rome, 12.78 miles, single track, with 2.68 miles of sidings and yard tracks.

Roadbed.

The cuts and embankments are generally of good width and proper slopes. A few of the rock cuts on the easterly end of the main line are somewhat narrow to admit of sufficient ditches, and some of the slopes of the newly graded portion of the second track have washed to some extent, filling the ditches. This was mostly done by recent severe storms. A number of cuts through material of a quicksand nature have slopes supported with concrete masonry or stone wall. The concrete masonry is in first-class condition, and the stone wall generally well maintained. Sub-drains are used in a few wet cuts.

The road crosses many summits and at four of them there are tunnels; the one at Bloomingburgh is 3,854 feet in length—787 feet of it have stone and brick arch and the balance is through natural rock; the one at Fallsburgh is 1,024 feet in length—437 feet of it have stone and brick arch and the remainder is through natural rock; the one at Hawk's Mountain is 1,128 feet in length—240 feet of it have stone and brick arch, 312 feet are lined with timber and the remainder is through natural rock; the one at Northfield is 1,636 feet in length—874 feet of it have stone and brick arch and the remainder is through natural rock; the brick in the summit of the arch was falling in places, and most of it has been recently relined with steel plates. The tunnels are all apparently in safe condition, and the track through them ballasted with broken stone.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges are in good condition and generally well painted; others requiring it are being repainted. On the easterly end of the main line, Sidney to Cornwall, the bridges are calculated to carry the heaviest class of motive power and rolling stock used by the company; a few of the bridges on the branch lines and the westerly end of the main line are considered a little light for the heaviest motive power, and therefore that class is not being operated over those portions of the road. All new bridges being put in are calculated for the heaviest loading, and the lighter

ones are being replaced as rapidly as they appear to require it. There is but one wooden bridge in the main line roadway; that is a short span of deck Howe truss in the center of a trestle structure at Castle. The trestle and bridge are to be replaced with a viaduct this season. In trestles of the Delhi branch there are two spans of trussed stringers, in fair condition; they are, however, to be replaced with iron I-beams. On the New Berlin branch and Wharton Valley Railroad there are still remaining several short spans of pony Howe truss bridges; several of them are getting old and arrangements are made to replace them with steel or iron bridges this season. On the main line of the Utica division there are five pony Howe truss bridges remaining; these are also to be replaced with steel or iron bridges. All are in safe condition. The overhead highway and farm bridges, both steel and iron, are in proper repair and all that are less than twenty-one feet above the rail, as well as all other overhead obstructions, are protected by warning signals. Some of the ticklers are missing, and should be replaced. The timber trestles, of which there still remain a large number on the westerly portion of the main line and some of the branches, are of standard construction and in proper repair; a number have been replaced with iron viaducts or filling and arrangements are made for replacing others.

The open culverts and cattle passes on the easterly end of the main line have I-beam stringers, and I-beam stringers are used to quite an extent on all the lines. On the westerly end of the main line, also on the branch lines, many timber stringers are still in use; they are, however, properly maintained and sufficient for the loading.

The masonry to the bridges is in nearly all cases in good condition and repairs or renewals are being made to those apparently requiring them. The masonry to open culverts, cattle passes, arch and box culverts on the easterly end of the main line and most of the other lines is in good condition; a portion of that on the Port Jervis, Monticello and Summitville Railroad, the Ellenville and Kingston Railroad, the Delhi branch, the New Berlin branch and the Rome branch is failing, and gangs of men are now employed rebuilding those needing it most; none are in condition that need cause anxiety as to present safety. On the westerly end of the main line, the Port Jervis, Monticello and Summitville Railroad, the New Berlin branch, the Utica division and Rome branch there are still remaining many open culverts and cattle passes with either framed bents planked behind to support the embankment or timber cribbing used in place of masonry for abutments. These are properly maintained and are being replaced with stone or concrete masonry as they require renewal.

The iron pipe drains are in good condition.

Track.

The standard cross-ties are 6 x 9 and 6 x 8 inches, 8 feet in length; those used in the track of the main line, the Ellenville and Kingston Railroad, the Port Jervis, Monticello and Summitville Railroad, the Scranton division, the New Berlin branch, the Pecksport Connecting Railway and the main line of the Utica division are laid at the rate of 3,168 to the mile of track, in the track of the remaining branch lines they are laid at the rate of 2,816 to the mile of track. In the main line tracks they are about 90 per cent. yellow pine and the remainder mixed oak and chestnut; on the branch lines the percentage of oak and chestnut is a little greater. The ties are full spiked, generally well spaced, and necessary renewals have been or are being made.

All the main tracks are laid with steel rail. The main line has 34.46 miles laid with 95-pound, 212.44 miles with 76-pound, and the remainder, 22.85 miles, with 75-pound rail. The Ellenville and Kingston Railroad has 32.99 miles laid with 67-pound and the remainder, 1.95 miles, with 56-pound rail. The Port Jervis, Monticello and Summitville Railroad has 31.31 miles laid with 75-pound, 3.81 miles with 67-pound, and the remainder, 5.68 miles, with 56-pound rail. The Scranton division is laid entirely with 76-pound rail. The Delhi branch has 3.18 miles laid with 67-pound and the remainder, 13.66

miles, with 56-pound rail. The New Berlin branch has 19.92 miles laid with 75-pound, 1.2 miles with 56-pound, and the remainder, 8.06 miles, with 50-pound rail. The Pecksport loop is laid entirely with 76-pound rail. The Utica division, main line, has 5.35 miles laid with 76-pound, 11.70 miles with 75-pound, and the remainder, 14.25 miles, with 67-pound rail. The Rome branch has 4.63 miles laid with 62-pound and the remainder, 8.15 miles, with 56-pound rail. The 95-pound rails are connected by angle plates 36 inches in length with six bolts, the 76, 75, 67 and 56-pound rails by angle plates 36 inches in length with four bolts, and the 62 and 50-pound rails by angle plates 24 inches in length with four bolts. The 95 and the 75-pound rails are practically all new; the 76-pound rails are in good condition; the 62-pound rails on the Rome branch and the 56 and 50-pound rails on the New Berlin branch and the Port Jervis, Monticello and Summitville Railroad are considerably worn and in the connections are some loose bolts; this rail is being replaced with new and heavier rail. In the main line track between Roscoe and Sidney there were many loose track bolts, and in a few cases bolts missing. The attention of the officials accompanying your inspector was directed to those conditions as well as to other matters connected with roadway and structures requiring attention, and assurance was given that the necessary corrections would be made.

All main track switches are split point and have automatic stands with well-pointed targets. Many high targets are used at outlying and obscure switches, and in some cases distant signals interlocked with the switch stand are in use. On the portions of the road where electric block signals are in operation switches are connected with the signaling apparatus, so that when opened the block signals are operated.

Main track frogs of the main line, Scranton division, and most of the other lines are spring rail; with the 56-pound rail of the Port Jervis, Monticello and Summitville Railroad and Delhi branch, the 50 and 56-pound rail of the New Berlin branch, and the lighter rail of the Rome branch, rigid frogs are used.

Derailing switches are in all sidings connecting with the main track, upon which cars are left standing, where the grade descends toward the main track, and all the stands are supplied with targets.

The ballast used on the road is principally culm and waste from the mines; gravel and cinders are used to some extent. On the main line the ballasting is light between Northfield tunnel and Sidney; also between Norwich and Earlville; there are also other places on the westerly portion of the road where additional ballast would be beneficial. On all the branch lines there are places where additional ballasting is necessary, especially on the Ellenville and Kingston Railroad and New Berlin branch.

The alignment and surfacing of the main line track are generally good, there are a few places on the newly constructed second track, notably between Roscoe and Cadosia, where, from settlement of new embankments, the surface is somewhat irregular. Extra men are at work on this portion of the road. The outer rail on curves is properly elevated.

The track sections are generally about five miles in length, and the section force consists of a foreman and five laborers on the single track, and a foreman and seven laborers on the double track. On the Port Jervis, Monticello and Summitville Railroad the sections are eight miles in length and the force employed consists of a foreman and seven laborers. Regular track walkers are employed where necessary, also night watchmen, and all portions of the road are patrolled daily.

Grades and Curves.

The main line grades are generally long but fairly regular; the maximum westbound are 105 and 109 feet per mile, eastbound, 95 feet per mile. On the Monticello branch of the Port Jervis, Monticello and Summitville Railroad the maximum grade is 122 feet per mile; on the Ellenville and Kingston branch 68 feet per mile; and the Scranton division 39 feet per mile; on the Delhi branch 70 feet per mile; on the New Berlin branch 79 feet per mile;

on the Pecksport loop 26 feet per mile; on the Utica division 79 feet per mile, and on the Rome branch 52 feet per mile. The curves on practically all the lines are frequent, but in most cases fairly light. The maximum on the main line is 7 degrees; on the Ellenville and Kingston 10 degrees; on the Port Jervis, Monticello and Summitville, 13 degrees; on the Scranton division, 8 degrees; on the Delhi branch, 8 degrees; on the New Berlin branch, 10 degrees; on the Utica division, 8 degrees, and on the Rome branch, 7 degrees; the Pecksport loop has only very slight curves.

The following named railroads are crossed at grade: One track of the Lehigh and Hudson River Railway by the main line at Burnside; the crossing is protected by an interlocking plant and there are derrails in all tracks. One track of the Montgomery branch of the Erie Railroad at Campbell Hall; the crossing is protected by interlocked signals only, and all trains come to a full stop before crossing. Two tracks of The Delaware and Hudson Company's railroad at Sidney; the crossing is protected by signals interlocked and operated from a tower. One track of the Lehigh Valley Railroad at Sylvan Beach Junction; trains of the Lehigh Valley Railroad enter upon the tracks of the New York, Ontario and Western Railway, cross a bridge and run for several hundred feet upon those tracks, then branch to the opposite side; the crossing is protected by signals that are interlocked, and all trains come to a full stop before crossing. The tracks in the vicinity of this crossing are now being raised on account of the new barge canal, and a long span bridge is to be put in. When this is done it is proposed to install a modern and complete interlocking plant. One track of the Rome, Watertown and Ogdensburg Railroad (operated by the New York Central and Hudson River Railroad Company) is crossed at grade at Central Square; the crossing is protected by a tilting board signal, and all trains are required to come to a full stop before crossing. A switching track leading to the dock and another leading to the coal trestle in Oswego are also crossed by the single track of the Rome, Watertown and Ogdensburg Railroad; each of those crossings are protected by a tilting board signal, and all trains are required to come to a full stop before crossing. One track of the Oswego Traction Company (electric) is crossed on Tenth street, Oswego; the conductors of the electric railroad are required to pilot their cars across the track of the steam railroad. The Port Jervis, Monticello and Summitville Railroad is crossed at grade by a single track of the railroad of the Port Jervis Electric Light, Power, Gas and Railroad Company on Ball street, Port Jervis. As recommended by your honorable Board, a derailing switch has been put in the track of the electric railroad on the steep hill above the crossing; this derail, however, is operated by a bar at the point where the derail is located. As your inspector observed it, the conductor of the electric railroad, after the car was stopped near the derailing switch, went ahead to the track of the steam railroad, then returned to where his car was standing, closed the derail, and then, after his car had passed, opened it again and the car proceeded over the crossing. This derailing switch should be so connected that the conductor of the electric railroad would have to cross the track of the steam railroad, close it by means of a lever placed there, and hold it closed until after the car had passed it. This would insure his going to the crossing, where he could see whether a train was approaching or not. Also, in the manner in which it is now operated there is plenty of time for a train to approach on the steam railroad between the time that he is at the crossing and gets back to his car and closes the derail. The main line of the Utica division crosses two tracks of the West Shore Railroad (operated by the New York Central and Hudson River Railroad Company) at New Hartford; the crossing is protected by gates, and all trains are required to come to a full stop before crossing. One track of the Delaware, Lackawanna and Western Railroad is crossed at Utica; the crossing is protected by a tilting board signal and all trains of both roads are required to come to a full stop before crossing. One track of the Utica and Mohawk Valley Railway (electric) crosses on Columbia street and one track on Fayette street, Utica. The conductors of the electric railroad are required to pilot their

cars across the track of the steam railroad. The Rome branch is crossed by the two tracks of the West Shore Railroad at Clark's Mills; the crossing is protected by gates and all trains are required to come to a full stop before crossing. The main line of the Utica division crosses the Erie canal on a drawbridge in the city of Utica; all trains are required to come to a full stop and wait for signals from the bridge-tender before crossing.

Interlocking.

Interlocking plants are maintained as follows: At Cornwall, governing the crossing of the West Shore Railroad; at Burnside, governing the grade crossing of the Lehigh and Hudson River Railway; at Campbell Hall, governing the crossing of the Montgomery branch of the Erie Railroad; at Middletown, governing the east end of the yard and connection with the main line of the Erie Railroad; at Crawford Junction, governing the connection with the Crawford branch of the Erie Railroad; at Bloomingburgh tunnel—one at each end—governing the movement of trains on the single track through the tunnel; at Fallsburgh tunnel, governing the movement of trains on the single track through the tunnel; at Hawk's Mountain tunnel—one at each end—governing the movement of trains through the tunnel; at Sidney, governing the movement of trains at the crossing of The Delaware and Hudson Company's railroad.

Right of Way.

The right of way is free from trees, brush and rubbish. The fences are mainly of wire and generally in from fair to good repair. There still remains some poor fence, and a small portion of the road, along the mountain side, of the Port Jervis, Monticello and Summitville, that is unfenced. Considerable repairs have been made to fencing and the general condition of fences is improved.

Highway Crossings.

All grade crossings of highways are very well graded and the planking well maintained. The crossing signs are of the diamond form, are properly located and well painted. Wooden slat cattle guards with good guard fences are maintained at each boundary of all the highways crossed at grade. The attention of the officers of the railroad company who accompanied your inspector was directed to a few highway crossings where there was brush within the boundary of the highway and outside of the company's right of way, that to some extent obscured the view of approaching trains from persons traveling upon the highway, and they were requested to take up the matter with the highway commissioners with the view of getting the brush removed.

Mill posts are maintained on all the lines; those on the easterly end of the main line, the Ellenville and Kingston Railroad and the Port Jervis, Monticello and Summitville Railroad are of stone; on the remaining portion of the road they are of wood. Whistle posts are at the prescribed distance from all the highway grade crossings.

Twenty-five highway crossings of the main line are protected by flagmen, 3 by flagmen and gates, 24 by electric bells, and 211 by crossing signs only. On the Ellenville and Kingston Railroad, 3 by flagmen and gates, 2 by electric bells, and 19 by crossing signs only. On the Port Jervis, Monticello and Summitville Railroad, 2 by electric bells and 25 by crossing signs only. On the Scranton division there is but one crossing, which is protected by an electric bell. On the Delhi branch 3 are protected by electric bells and 11 by crossing signs only. On the New Berlin branch, there are 31 crossings, protected by crossing signs only. On the Pecksport Connecting Railway there are 5, protected by crossing signs only. On the Utica division 6 are protected by flagmen, 5 by flagmen and gates, 1 by an electric bell, and 34 by crossing signs only. On the Rome branch one is protected by a flagman and 15 by crossing signs only.

Block System.

The movements of trains are governed by the telegraphic train order system and the trains are spaced ten minutes apart at the telegraph station. In addition, nearly all of the eastern portion of the road from Cornwall to Sidney is protected by automatic electric block signals, and the system of electric block signaling is being extended.

Stations, Etc.

The station buildings are in good repair; many of them have been improved since the last inspection and new ones erected, replacing the old ones. On the branch lines some of the station buildings are small, but they are apparently sufficient for the requirements. The waiting rooms are kept clean and neat and the general sanitary condition in and around the buildings is good. Drinking water is supplied and time tables are posted in all the waiting rooms. Water in pails, and at stations where there is a water system, hose is provided as fire protection. The station platforms are of plank, gravel, stone screenings and concrete. The station grounds and yards are kept clean and neat and at many of the larger stations are lawns, with ornamental plants and flowers. All station employees are uniformed and wear a badge indicating their employment. Station restaurants are maintained at Middletown, Walton, Oneida and Oswego.

The passenger equipment is in first-class condition. All the cars are equipped with automatic couplers and air brakes, are heated by steam and lighted with gas and oil lamps, are furnished with drinking water, and emergency tools are properly located in the centers of the cars. All passenger trainmen are uniformed and wear a badge. The freight equipment is in good condition. All cars have automatic couplers and about 88 per cent. are equipped with air brakes. The motive power is properly maintained, and on those locomotives where the engineman's and fireman's cabs are separated there is an emergency valve in the cab of the fireman and speaking tubes provided, so that the engineman and fireman can communicate with each other if necessary.

Cafe cars are run in long distance trains.

Since the inspection of July, 1904, there have been added to the equipment 11 locomotives; 19 coaches; 2 combined cars; 50 refrigerator cars; 250 box cars and 8 service cars by purchase, and there have been built by the company 3 combined mail and baggage cars; 1 baggage car; 10 milk cars; 13 cabooses; 83 coal cars; 27 flat cars; 2 stock cars; 3 service cars and 1 box car.

Repairs and Improvements.

Very extensive repairs and improvements have been made since the last inspection (July, 1904). The second main track has been completed and put in operation between Cornwall and Middletown, 26.17 miles, Summitville and Fallsburgh, 14.93 miles, Livingston Manor and East branch, 21.19 miles. On the Port Jervis, Monticello and Summitville Railroad a cut-off has been completed at Rose Point. At Fish Creek, where the barge canal is being constructed, work has been commenced for raising the grade about 13 feet and constructing a bridge of 200-foot span where the canal is to go; this is an expensive work and will consume several months' time to complete it. At Oswego very extensive work has been done moving tracks and constructing yard and new buildings. Interlocking plants have been put in at Middletown and Fallsburgh, an electric block signal system extending from Middletown to Cornwall, and additional signals put in at points west of Middletown. About 25 per cent. of all the cross-ties have been renewed. New 75-pound rail has been laid, replacing lighter or worn rail, as follows: 4 miles on the main line, replacing 76-pound, and 1.76 miles, replacing 56-pound rail; on the Port Jervis, Monticello and Summitville, 11 miles, replacing 65-pound, and 20.42 miles, replacing 56-pound rail; on the New Berlin branch, 3.50 miles, replacing 56-pound and 20.29 miles, replacing 50-pound rail; on the Utica division, 6.21 miles, replacing 62-pound and 4.60 miles, replacing 56-pound rail;

there was also laid on the Utica division 2.24 miles of second use 67-pound rail, replacing worn 56-pound rail. Seven new double track and 3 single track steel bridges have been erected on the main line, replacing lighter iron structures and providing for the additional main track. One wooden bridge in the main line track has been replaced with an iron bridge; also one on the New Berlin branch, one on the Utica division, and one on the Rome branch. Eight wooden overhead highway bridges have also been replaced with iron. Three iron bridges have been replaced with concrete arches and filling. Timber trestles have been replaced with steel viaducts as follows: No. 210, 288 feet of viaduct replacing 602 feet of trestle; No. 217, 468 feet of viaduct replacing 798 feet of trestle; on the Scranton division, No. 1, 468 feet of viaduct replacing 492 feet of trestle; on the Utica division, No. 31, 252 feet of viaduct replacing 309 feet of trestle,—the remainder of the trestles being filled. Main line trestle No. 273, 1,048 feet in length, has been filled; also No. 12 of the New Berlin branch, 133 feet in length. Five open culverts and cattle passes constructed of wood, on the Utica division, have been rebuilt with wood; 7 open culverts and cattle passes on the main line and 11 on the Port Jervis, Monticello and Summitville have been replaced with iron pipe and filling; 17 on the main line, 1 on the Utica division and 1 on the Rome branch have had solid flooring of rails and concrete put on, thereby eliminating the openings to grade. Timber stringers have been replaced with I-beams on 27 openings of the Port Jervis, Monticello and Summitville, 5 of the Delhi branch, 4 of the Utica division, and 1 of the Rome branch. Two stone box culverts of the main line have been replaced with iron pipe. In addition to this, at all places where new bridges were erected the masonry was rebuilt or extensively repaired; and on the double track portion of the road new masonry constructed. Where open culverts or cattle passes have been repaired or new stringers and solid floors put on, the masonry has been rebuilt or repaired as necessary. There has been a new turntable put in at Cornwall. New creameries have been erected at Little Britain, Monticello, Colchester, Pennellville, Bernhards and Minetto. At Middletown a passenger station and office building has been extended; a new 10-stall roundhouse, with boiler room and coal trestle attached, built, and another of 10 stalls commenced; also an electric light power house, a turntable and boiler shop; blacksmith shop has been extended and storage for soft coal built. At Summitville a new gravity water supply has been put in and ash pit built. At Port Jervis there has been constructed a new brick freight house. At Brown's pond a new ice house has been built; at Mountindale, an addition to the station building also a station building at Centerville has been added to it. At Walton there has been a new coal trestle erected. At Sidney a new engine house has been built; also an ice house. A new station has been built at New Berlin Junction and a new ice house at that place. A new station has been erected at Guilford, and a 10-stall roundhouse with turntable and blacksmith shop at Norwich. A new ice house has been built at Fargo and another at Rome; also at Rome a new and heavier turntable has been put in. At Utica the station building has been remodeled and a new coaling trestle built. In addition to this, repairs more or less extensive have been made to practically all the station and other buildings, and nearly all station buildings have been repainted. Ten main line bridges have been repainted, 8 of the Utica division, 3 of the Port Jervis, Monticello and Summitville, and 2 of the New Berlin branch. A gang of painters are now engaged painting other bridges that need it. Seventy miles of new woven wire fence have been erected, replacing old fence, and repairs have been made to fences generally.

Recommendations.

That the ditches be reopened where recently closed by material washed from the slopes of the newly-constructed second main track; that the remaining bridges needing it be repainted, to prevent injury from rust; that the remaining much worn light rail on the Port Jervis, Monticello and Summitville Railroad and the New Berlin branch be replaced; that the missing track bolts between Roscoe and Sidney be replaced and the loose

ones made tight; that additional ballast be put in between Northfield and Sidney, west of Norwich, on the northerly portion of the New Berlin branch, also near the junction of that branch with the main line, and other places where ballast is extremely light or worn out; that the highway commissioners be conferred with regarding a few crossings to which attention was called, where brush within the boundaries of the highway outside of the railroad company's right of way, to some extent obscures the view of approaching trains, to have said obstructions cleared away; that necessary repairs be made to fences, and that the ticklers to warning signals at overhead obstructions be put in proper repair.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied, advising that it would comply in every respect with the recommendations of the Board. (No. 7 — 1906.)

NORTHERN CENTRAL RAILWAY.

(Inspected September 4, 1906.)

On September 4, 1906, I made an inspection of the Northern Central Railway (operated by the Pennsylvania Railroad Company), and respectfully submit the following report:

The Northern Central Railway in this State has the following named lines of railroad:

Elmira and Williamsport Railroad, from the Pennsylvania State Line to a connection with the Erie Railroad at Southport, 6.50 miles, and has 0.37 miles of second main track and 5.79 miles of sidings and yard tracks. From Southport Junction to Chemung Junction, a distance of about 6.20 miles, the trains operate over the tracks of the Erie Railroad Company under a trackage arrangement. The Elmira and Lake Ontario Railroad from Chemung Junction to Canandaigua, 64.00 miles, with 1.18 miles of second main track and 37.83 miles of sidings and yard tracks. The Sodus Bay branch, from a connection with the main line of the Elmira and Lake Ontario Railroad to Sodus Point, 34.18 miles single track, and has 10.51 miles of sidings and yard tracks. The Lake branch, from Canandaigua yard to Canandaigua Lake, 1.43 miles single track, with 0.41 miles of sidings and yard tracks. This branch is only used as a switching track for freight trains. It is laid with 60-pound steel rail and is in suitable condition for the purpose used, and is not considered further in this report.

Roadbed.

The Elmira and Williamsport Railroad has cuts and embankments of full width and proper slopes and is well drained. The Elmira and Lake Ontario Railroad has some cuts that are rather narrow for maintaining first-class ditches; the ditches are, however, clean and generally sufficient. The embankments are of proper width. The Sodus Bay branch also has cuts somewhat narrow. All the ditches are in fair condition and as wide and deep as necessary where circumstances will permit. The embankments are of proper width. Tile drains are used in some wet cuts of all the lines and are rendering good service.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

The steel and iron bridges of the Elmira and Williamsport Railroad are in first-class condition, well painted and designed to carry, with proper factor of safety, the heaviest motive power and rolling stock used. There remains on that road one wooden Howe truss bridge; it is now on bents preparatory to being replaced with a steel bridge.

The steel and iron bridges of the Elmira and Lake Ontario Railroad are also in good condition and of proper strength for carrying the heaviest motive power and rolling stock.

There yet remains on the Sodus Bay branch a few light iron bridges and three spans of wooden Howe truss. Only the lighter class of motive power is used on this branch and the lighter of the iron bridges have extra bents for support until such time as they can be renewed. All the bridges are in good repair and of sufficient strength for the class of motive power and rolling stock used. The bridge ties and guard-timbers of all the roads are of suitable dimensions and are well maintained. Inside guard-rails are laid on all bridge and trestle structures. The masonry to all the bridges of the Elmira and Williamsport Railroad is in first-class condition. One iron bridge of the Elmira and Lake Ontario Railroad has pile abutment in place of masonry. The masonry is generally in good condition and renewals are being made where necessary. The masonry to bridges on the Sodus Bay Branch is in from fair to good condition. Considerable of it has been rebuilt or repaired, and other masonry requiring it is to be rebuilt or replaced with concrete. The bridges are generally well painted and men are engaged repainting those needing it. The overhead bridges for highway and farm crossings, both wood and iron, are properly maintained, and all that are less than twenty-one feet above the rail are protected by warning signals. There are no timber trestles in the roadway of the Elmira and Williamsport Railroad. There yet remains in the roadway of the Elmira and Lake Ontario Railroad ten trestle structures; none of them extensive; all are of standard construction and in good repair. On the Sodus Bay branch there are a number of trestle structures and some long ones, but not very high. They are also of standard construction and properly maintained. Several have been rebuilt entirely since the last inspection (November 1, 1904).

All open culverts and cattle passes of the Elmira and Williamsport Railroad have good masonry and I-beam stringers. On the Elmira and Lake Ontario Railroad there yet remains ten that are entirely of timber. All the others have good masonry and I-beam stringers. There are also several remaining on the Sodus Bay branch that are entirely of wood. The others, with one exception, have fair to good masonry and I-beam stringers. The masonry to the one excepted is properly protected and is to be rebuilt. The ties and guard-timbers to all are of proper dimensions and are well maintained.

The arch and box culverts and iron pipe drains of all the roads are in from fair to good condition and necessary repairs and renewals have been or are being made.

Track.

The standard dimensions of the cross-ties are 7 x 7 inches, 8¼ feet in length, and laid at the rate of 2,600 to a mile of track. On the Elmira and Williamsport Railroad they are all white oak; on the Elmira and Lake Ontario Railroad, 70 per cent. oak, 5 per cent. chestnut and 25 per cent. yellow pine; on the Sodus Bay branch, 65 per cent. oak, 15 per cent. chestnut and 20 per cent. yellow pine. They are in first-class condition, evenly spaced the full spiked.

The Elmira and Williamsport Railroad is laid entirely with 85-pound steel rail, connected by angle plates 34 inches in length with six bolts. The rail is in good condition, all the connections full bolted and bolts tight. The Elmira and Lake Ontario Railroad has 33.71 miles laid with 85-pound and 30.29 miles with 70-pound steel rail, connected by angle plates 34 inches in length with six bolts. The rail is in very fair condition generally and renewals are being made as necessary. The Sodus Bay branch has 4.93 miles laid with 70-pound and 29.25 miles with 60-pound steel rail, connected partially by angle plates 34 inches in length with six bolts, and the remainder by angle plates 26 inches in length with four bolts. The rail is in from fair to good condition, and where necessary renewals are being made.

All the main track switches are split point with rigid stands, but generally with a spring in the head rod, rendering the switch automatic for main track. The greater proportion of the stands have high targets, and when in obscure places, and most outlying switches, are protected by distant signals that are interlocked with the switch stands. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. Nearly all main track frogs are spring rail and are properly maintained. Derailing switches are in all sidings connecting with main track upon which cars are left standing, where the grade descends toward the main track, and the greater proportion of them are interlocked with the main track switch stands.

The Elmira and Williamsport Railroad is well ballasted with gravel and cinders; the Elmira and Lake Ontario Railroad with gravel and cinders, portions of it in good quantity and other portions of it lightly ballasted. Some addition has been made to the ballasting and more is contemplated. The Sodus Bay branch is generally lightly ballasted with gravel and cinders.

The tracks are in good alignment and surface, and the outer rail on curves correctly elevated for the speed at which trains are scheduled.

The track sections of the Elmira and Williamsport Railroad are about four miles in length. Of the Elmira and Lake Ontario Railroad and Sodus Bay branch, five miles in length. The average force maintained on each consists of a foreman and four laborers. Regular track walkers are not employed, but all portions of the road are patrolled daily by some member of the section force. Each gang is furnished with flags, lanterns and torpedoes for protecting their work.

Grades and Curves.

The Elmira and Williamsport Railroad is very crooked and grades fairly steep. The maximum curve is 6 degrees located near the State line. The maximum grade is 61.5 feet per mile for a considerable length in the same vicinity. The general alignment of the Elmira and Lake Ontario Railroad is good. There are places, however, where curves are frequent and a few sharp. Some improvement has been made in the alignment along Seneca lake, reducing curvature. The maximum curve is 8 degrees, located at the south end of Watkins yard. The grades, while somewhat broken, are generally fairly regular and for much of the distance, light. The maximum is 66 feet per mile for a distance south of Montour Falls. The Sodus Bay branch is crooked for much of its length; the curves are frequent, but are not generally sharp. The maximum is 5 degrees, located north of Orleans. The grades are considerably broken and in places, fairly steep. The maximum is 74.45 feet per mile north of Phelps Junction.

Grade Crossings of Railroads.

No railroads are crossed at grade by the Elmira and Williamsport Railroad. The trains of the Tioga branch of the Erie Railroad operate over the track of this railroad from Southport to State Line Junction, a distance of about four miles, under trackage arrangement. The Elmira and Lake Ontario Railroad crosses one track of the Elmira and Seneca Lake Railway (electric), at Montour Falls. There are derailing switches in the track of the electric railroad, but their use has been discontinued and the derails kept closed. There is no protection over the trolley wire. One track of the Naples branch of the Lehigh Valley Railroad at Stanley. The crossing is protected by an interlocking plant. There are derailing switches in the track of the Lehigh Valley Railroad, but none in the tracks of the Elmira and Lake Ontario Railroad. There are only home signals on the Lehigh Valley Railroad, but both home and distant signals on the Elmira and Lake Ontario Railroad. Trains of the Northern Central Railway do not stop if the signals are in their favor. The Sodus Bay branch crosses one track of the Auburn branch of the New York Central and Hudson River Railroad at Phelps Junction. The crossing is protected by flagmen and all trains are required to come to a full stop. One track of the Rome, Watertown and Ogdensburg division of the

New York Central and Hudson River Railroad at Wallington. The crossing is protected by semaphore signals that are interlocked, and all trains are required to come to a full stop before crossing.

Interlocking.

The only interlocking plants maintained are at the Junction with the tracks of the Erie Railroad at Southport and Chemung Junctions.

Right of Way.

The right of way is in first-class condition, and is free from trees, brush and rubbish. The fences are generally of wire, and where maintained by the railroad company, are in from fair to good condition. There are many places, however, where the original land owners contracted to maintain the fences, and in nearly all such places, the fences are either in poor repair or lacking.

Highway Crossings.

The grade crossings of highways are well graded, planking in good condition, and are protected by signs of the diamond form. Brush about the highways in the vicinity of the crossings has been generally removed, even on private property, where permission could be obtained for doing so. Wooden or metallic cattle guards, with proper guard-fences, are maintained at each boundary of the highways crossed at grade. One highway grade crossing of the Elmira and Williamsport Railroad is protected by flagmen, and five by crossing signs only. Five of the Elmira and Lake Ontario Railroad and Sodus Bay branch, by flagmen, two by flagmen and gates and one hundred and twenty-four by crossing signs only.

Block System, Etc.

The manual controlled system of blocking trains is used; semaphore signals for that purpose being maintained at the stations. Mile posts are maintained and the whistle posts are at the prescribed distance from the highway crossings.

Stations, Etc.

The station buildings are in good repair. The waiting rooms are clean and neat and the sanitary condition good. Water for drinking is provided and time tables are posted in each waiting room. The platforms are of cement, planking and gravel and are properly maintained. Water in pails and fire extinguishers are provided for protection against fire. The station grounds and yards are well kept and at many of the stations there are lawns with shrubs, ornamental plants, etc. All station employees are uniformed and wear a badge indicating employment.

Equipment.

All equipment seen was properly maintained. Passenger cars have automatic couplers and air brakes, are heated by steam and lighted with gas and oil lamps. Drinking water is provided and emergency tools are located in the centers of the cars. All passenger trainmen wear uniform and a badge.

The freight equipment is in good condition. All cars have automatic couplers, and a little more than 97 per cent. are equipped with air brakes.

Repairs and Improvements.

The principal repairs and improvements observed are as follows: About 31 per cent. of the cross-ties of the Elmira and Williamsport Railroad have been renewed; 20 per cent. of the Elmira and Lake Ontario and 19 per cent. of the Sodus Bay branch. Fifty-one one-hundredths miles of 85-pound rail has been laid on the Elmira and Williamsport Railroad, replacing worn rail;

11.78 miles of 85-pound rail on the Elmira and Lake Ontario Railroad, replacing worn 70-pound rail, and 1.56 miles of 70-pound rail on the Sodus Bay branch, replacing worn 60-pound rail. Three and fifty one-hundredths miles of track of the Elmira and Williamsport Railroad, 9.60 miles of the Elmira and Lake Ontario Railroad and 4.50 miles of the Sodus Bay branch, have been reballasted with cinders. On the Elmira and Williamsport Railroad, bridge No. 23, formerly a wooden Howe truss, has been replaced with a steel bridge. New concrete abutments have been built at bridge No. 25, and a new steel bridge is to be put in there replacing the present Howe truss bridge. Six stone box culverts have been replaced with iron pipe. Three open culverts and cattle passes have been renewed or extensively repaired and two iron bridges have been repainted. On the Elmira and Lake Ontario Railroad and Sodus Bay branch, seven timber trestles have been rebuilt, fourteen stone box culverts replaced with iron pipe, new masonry built to one cattle pass and necessary repairs made to other masonry. A new baggage house has been erected at Sodus Point. Four telegraph towers for additional block stations on line of road. Twenty telephone booths at passing sidings. Six station buildings, in addition to the new buildings above mentioned, have been painted; also a number of tool houses and other structures. Three bridges have also been repainted.

A very important improvement that has been made since the last inspection, is the installation of the block signal system over the entire division, which greatly adds to the safety of the operation.

Recommendations.

That the fences be put in proper repair, and new ones constructed at places where they are now lacking.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that it was its intention to comply with the recommendations of the Board as set forth in the report. (No. 21 — 1906.)

OTIS RAILWAY.

(Inspected May 8, 1906.)

On May 8, 1906, I made an examination of the Otis Railway, and respectfully report as follows:

Quite extensive repairs have been made to the trestle structures, and considerable repairs to bank stringers and ties. Additional bank stringers and ties are to be put in promptly. With the repairs made and in progress, the road will be in safe condition for operation during the season of 1906, and your inspector is advised that it is the intention of the company to replace the timber trestles with steel structures after this season's operation.

A copy of this report was sent to the company. (No. 3 — 1906.)

OWASCO RIVER RAILWAY.

(Inspected August 20, 1906.)

On August 20, 1906, I made an inspection of the Owasco River Railway, and respectfully submit the following report:

The Owasco River Railway is used only as a switching track connecting the yard of the Auburn branch of the New York Central and Hudson River Railroad in the city of Auburn, with the Agricultural Works of D. M. Osborne & Co. It is 0.50 miles in length and has approximately one and a half miles of yard tracks entirely within the city of Auburn. The road is constructed for most of its length alongside the Owasco river on a timber trestle; near its junction with the New York Central and Hudson River Railroad yard it

crosses the river on an iron bridge consisting of two spans. The trestle is of standard construction and properly maintained. The iron bridge, which is erected on masonry, is in good condition excepting that it should be repainted to prevent injury from rust. It is a light structure, but of sufficient strength for the class of motive power and rolling stock used. Aside from the trestle and bridge above referred to, the track is constructed on ground practically level with the track and crosses four streets at grade. On two of the streets there are laid tracks of the Auburn and Syracuse Electric Railroad. When trains of the Owasco River Railway cross the street, three flagmen are employed; one on either sidewalk and the third in the centre of the street and the trains move only at a speed of about four miles per hour. This makes the operation practically safe for the street traffic.

The cross ties are mixed pine and oak, 6 x 8 inches, 8 feet in length and laid at the rate of 2,816 to the mile of track. They are in good condition, proper renewals having been made.

The track is laid with 60-pound steel rail connected by angle and fish plates 21 inches in length with four bolts. The rail is in good condition and all connections are full bolted and bolts tight.

The road owns two locomotives, two box cars and nine flat cars. All have automatic couplers and air brakes.

Recommendations.

That the iron bridge be painted to prevent injury from rust.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied that the repairs would be made at once and the iron bridge would be painted according to the recommendations. (No. 19 — 1906.)

POCHUCK RAILROAD.

In regard to the bridge on the Pochuck Railroad as to which the following recommendation was made in report of my inspection dated August 22, 1905: "that the floating timber culvert on the Pochuck branch near Glenwood Junction be replaced with a permanent structure;" I have examined the bridge in question since the repairs have been made and find that additional timber has been put in the foundation, that standard track stringers, ties and guard timbers have been put on, and all properly secured.

This branch of the road is very little used, one train a day running over it in either direction. This bridge is located near the junction with the main line of the Lehigh and New England Railroad, and is in a swamp where the muck is deep and a solid foundation difficult to secure. When a train passes over the bridge the entire structure settles several inches, and springs back to places when the load is removed. Trains have always operated slowly over it. As now repaired, the structure is safe if the stringers are kept properly blocked and not operated over at a speed to exceed ten miles per hour.

A copy of this report was sent to the company. (No. 27 — 1905.)

SCHOHARIE VALLEY RAILROAD.

(Inspected May 31, 1906.)

As directed by your Board, I have made another examination of the Schoharie Valley Railway, the object being to ascertain whether or not certain recommendations, particularly concerning track structures, were being, or had been, executed. I have therefore, to report as follows:

Structures.

Bridge No. 1, near Schoharie Junction.— This is a short timber span. The masonry, if such it can be called, supporting the stringers, is in about the

same general condition as last year. This structure should be rebuilt or replaced by a pipe or pipes. Nothing has been done here.

Bridge No. 2.—Same remarks as those of previous report apply. The superstructure is too light.

Bridge No. 3.—A Howe truss. The floor system, as far as ties are concerned, has been put into better condition. The old stringers which Mr. Shultz recommended be replaced are still in place.

Bridge No. 4.—No longer exists; the opening is filled in.

Bridge No. 5.—As it was last year, so it is still, the most dangerous structure on the road. The westerly abutment, which last year threatened to fall, has been replaced by a new abutment, laid dry, without plan and evidently with unskilled labor; it is a poor job. At present the easterly abutment is in worse condition, if possible, than the westerly one was last year. It leans forward from a perpendicular fully $1\frac{1}{2}$ feet and is a positive menace to every passing train. Your Board would be justified in compelling a suspension of operation pending a reconstruction of this wall. A collapse, when it occurs, will undoubtedly be at a time when a train is on the structure.

Bridge No. 6.—The opening has been made shorter, but the same girders are in use, so that, at least at one end, the girders extend back of the bridge seat some distance. This causes an uplifting force at the other end, which should not occur. The girders should be sawed off to the proper length and stiffener angles riveted to the webs at the bearing points. The reconstructed masonry is laid dry, evidently with unskilled labor, and represents a very poor specimen of the mason's art and of what can be built without engineering advice and proper inspection.

None of the structures have outside guard timbers which would avail in case of derailment. The 2×6 boards used would, in such an event, be absolutely useless.

All switches except one are point switches. A variety of switch stands are in use;—some have targets, some have none. Conditions in this respect are precisely as they were a year ago. No switches are locked.

No cattle guards have been installed.

The fences have apparently received but little, if any, attention.

The brush on the right of way has not been cut.

At the overgrade bridge ticklers have been installed, but they have already been rendered practically useless, owing to poor material employed.

A considerable number of new ties have been put into the track, also some ballast. More new ties are on hand. Alignment and surface are about the same as last year. Bolts at joints are generally tight.

At two points banks have been dressed to slope. Much remains to be done in this direction.

The track force at work on the day of inspection consisted of one foreman and four section hands.

Recommendations.

1. That the necessary widening of cuts and embankments be done, and slopes dressed to angle of repose of material, to prevent filling of ditches.

2. That all switch stands be supplied with targets and all switches be kept locked.

3. That existing fences be put in repair and new ones, where required, be constructed.

4. That cattle guards be supplied at the highway crossings.

5. That the ticklers at the overgrade bridge be repaired in order that they may fulfill their function.

6. That bridge No. 1 be rebuilt (No. 1 being nearest Schoharie Junction).

7. That masonry at bridge No. 2 be repaired, the cracked bearing stone under the east end of the northerly truss removed, and cover plates $12 \times \frac{1}{2}$ inches, be riveted—not bolted—to top and bottom chords.

8. That the easterly abutment at bridge No. 5 be immediately rebuilt; this is urgent.

9. That the cantilevered or overhanging end of the superstructure at bridge No. 6 be sawed off and stiffener angles riveted to webs at bearing points, or

that supports be built under this end to prevent the uplifting force at the other end and from being effective.

10. That suitable sized guard timbers be bolted to and notched over bridge ties, in the usual way, at all bridges.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied that the recommendations of the Board would be complied with. A further inspection was made by direction of the Board and is given herewith in a supplemental report. (No. 5 — 1906.)

Supplemental Report.

ALBANY, N. Y., NOVEMBER 10, 1906.

To the Board of Railroad Commissioners:

GENTLEMEN:—I have made another inspection of the Schoharie Valley Railroad in order to ascertain whether or not the recommendations made in a report to your Board dated May 31, 1906, and which recommendations were made the recommendations of your Board, have been carried out. I beg to report as follows:

Bridge No. 1.—No work of any character has been done here. The masonry is still in the same dilapidated condition.

Bridge No. 2.—No work of any kind has been done here. The dry masonry is, if possible, in worse condition than it was at the first inspection. At the east abutment it is bulging out under the bridge seat. Some small stones have fallen out of the west abutment. The bridge ties appear to be too light for the traffic. The girders at three of the supporting points rest on the masonry; at the fourth supporting point there is a timber block under the girder. In my opinion this whole structure should be rebuilt.

Bridge No. 3.—A Howe truss, concerning which there are no recommendations.

Bridge No. 4.—Filled in, and no longer exists.

Bridge No. 5.—At this point the east abutment, which is laid in dry masonry of the most primitive kind, is bulging. The back walls, if they can be so called, are simply loose stones thrown in behind the bridge. The west abutment seems to be the least dangerous of the two. While I do not think there is any immediate danger at this point, I do not think this structure should be permitted to stand, and recommend again that it be rebuilt.

Bridge No. 6.—At this point the west abutment is failing. There are no back walls to the abutment and an extra span of timber on each end of the abutment running back into the bank is provided, all of the most primitive construction.

In my opinion this bridge should also be rebuilt.

There is no guard timber worthy of the name on any of the bridges. At all of them there is a 2 x 6 piece spiked to the ties, but this is absolutely useless in case of derailments. At a few of the bridges inside guard-rails have been provided, but they do not extend beyond the limits of the bridge, and their usefulness therefore disappears.

As to the general condition of the track, I have to report that a considerable number of new ties have been put in and new ballast has also been placed. This ballast is rock and screenings. The alignment is fair, except at some curves where the rail is not spiked to the arc but laid as a succession of chords. The surface has also been considerably improved. Some ditches have been cleaned out, but no repairs to the fences seem to have been made. On the whole the road is in very much better condition than it was at the first inspection.

A copy of this supplemental report was sent to the company. The company replied that the recommendations would be complied with, and where not possible to do the work at once repairs and reinforcements would be made until rebuilt as recommended. (No. 5 — 1906.)

SKANEATELES RAILROAD.

(Inspected August 20, 1906.)

On August 20, 1906, I made an inspection of the Skaneateles Railroad and respectfully submit the following report:

The Skaneateles Railroad is a single track line connecting with the Auburn branch of the New York Central and Hudson River Railroad at Skaneateles Junction, and extends to Skaneateles village, a distance of 5 miles, and has approximately 1 mile of sidings and yard tracks.

The road is constructed for much of its length within the boundaries of the public highway. Fences are only maintained opposite grazing lands, and there are no cattle guards.

The road has many sharp curves, the maximum being about 15 degrees. The grades are steep and considerably broken. The roadway is very well graded and the drainage system good.

There are no iron bridges. The outlet to Skaneateles lake is crossed quite a number of times on framed bent trestles consisting of two or more spans with masonry abutments. In one of those trestles there is a trussed stringer bridge; it is in good repair and of sufficient strength for the light motive power used. The trestle structures above referred to, are of standard construction and are in good repair, with the exception of one poor cap in the center bent of the first opening north of the Montville Machine Works. The attention of the president of the road was called to this poor cap, and assurance was given that it would be replaced immediately.

The open culverts have masonry abutments and timber stringers. There are no cattle passes.

The ties and guard timbers are of standard dimensions and in good repair. The box culverts and iron pipe drains are apparently in good condition.

The cross-ties are about 60 per cent. yellow pine, and the balance mixed oak and chestnut. The dimensions are 6 x 8 inches, 8 feet in length and laid at the rate of approximately 2,992 to the mile of track. About 10 per cent. of them are decayed to the extent that they should be renewed promptly. Ties are delivered along the track, and a force of men are now engaged putting them in, and the management advised that the work would be hurried.

About three-fourths of a mile of the main track is laid with 70-pound steel rail connected by angle plates 36 inches in length and the remainder with 56-pound steel rail connected by angle plates 24 inches in length, with four bolts. The rail is in fair condition for the light traffic. All connections are full bolted and bolts tight.

Nearly one-half of the switches are stub and the remainder split point. Three new split point switches have been put in since the last inspection (September, 1904), replacing stub switches. The stub switches have rigid stands and indicate the position of the switch by the position of the target and not by the color. The split point switches have automatic stands. Switch lamps are not used, night trains not being operated. All frogs are rigid. Derailing switches are in the sidings where their use appears necessary. The stands, however, lack targets.

The track is very lightly ballasted with gravel. The alignment and surfacing of the track are fair and the outer rail on curves is about correctly elevated.

No brush or rubbish remains along the track. The highway crossings are in proper condition and protected by signs of the half oval form. Mile posts are not maintained. The whistle posts are properly located. There are no overhead obstructions.

The track force consists of a foreman and five laborers.

The only passenger station maintained is at Skaneateles; it is a wooden building in proper condition.

All cars have automatic couplers and air brakes.

Recommendations.

That 10 per cent. of the cross ties be renewed; that the remaining stub switches be replaced with split point switches and that the decayed cap in

trestle north of the Montville Machine Works be promptly replaced, and that the stands of derailing switches be equipped with targets.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that the recommendations in the report would be complied with. (No. 18 — 1906.)

SILVER LAKE RAILWAY.

(Inspected July 24, 1906.)

On July 24, 1906, I made an inspection of the Silver Lake Railway, and respectfully submit the following report:

The Silver Lake Railway is a single track road connecting with the Buffalo division of the Erie Railroad and the Silver Springs branch of the Buffalo, Rochester and Pittsburgh Railway at Silver Springs, and extending to Perry, a distance of 6.86 miles, and has approximately 1.5 miles of sidings and yard tracks.

The roadway is well graded and the drainage system good.

There are two small iron bridges, on timber and pile foundation. The bridges are in good condition and properly painted. There are no wooden bridges or pile trestles in the roadway. There is but one open culvert; it has masonry abutments and timber stringers. The ties and guard timbers to the bridges and the culvert are standard and in good repair. The box culverts and iron pipe drains are properly maintained. There are no arch culverts.

The cross-ties, mixed oak and cedar, are 7 x 9 inches, 8½ feet in length, and laid at the rate of 2,816 to the mile of track; they are in good condition, necessary renewals having been made, are very well spaced and full spiked.

About one-half mile of the main track is laid with 80-pound, 1 mile with 71-pound, and the remainder with 60-pound steel rail. The connections are angle plates 26 inches in length with four bolts. The 80 and the 71-pound rail is in very good condition; the 60-pound rail is somewhat worn and is being gradually replaced with heavier rail. All connections are full bolted and very few loose bolts were observed.

Most switches are split point with rigid stands; three stub switches remain in the main track. Rigid frogs are used. No sidings were observed where derailing switches were apparently needed. Switch lamps are not used, as no night trains are operated.

The road is lightly ballasted with gravel and cinders. The track is maintained by a foreman and six laborers.

The right of way is clear and clean. Fences are of wire,—some needed repairs, and in places lacking; the condition of fences, however, has been improved since the last inspection (July, 1904). The highway crossings are very well graded, planking in good condition, and are protected by signs of triangular form. Some cattle guards are lacking; those in use are metallic.

The only station at which an agent is employed is at Perry. This is a frame building, in good repair and properly furnished.

The equipment is in good condition. The coaches have automatic couplers and air brakes, are arranged for steam heating, and lighted with oil lamps. Emergency tools are properly located in the centers of the cars and drinking water is provided. The passenger trainmen are uniformed and wear a badge. The freight equipment is in good repair,—cars equipped with automatic couplers and air brakes.

Since the last inspection about 15 per cent. of cross-ties have been renewed: 0.50 miles of second-use 80-pound rail have been laid, replacing worn 60-pound rail; some additional ballasting has been done; the condition of fences has been somewhat improved, and metallic cattle guards put in at several of the highway crossings; a new iron bridge has been put in at Perry, replacing a lighter structure, and several stub switches have been replaced by split point switches.

Recommendations.

That the worn 60-pound rail be replaced; that the stub switches be replaced with split point switches; that the fences be put in proper repair and cattle guards with proper guard fences be put in at the highway crossings where they are now lacking.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied stating that "we have repaired most of our fences since the last inspection and will put in place the cattle guards next spring. The heavy iron is being put in to replace the light iron now in use, and it is expected that it will all be relaid by next spring." (No. 12 — 1906.)

STATEN ISLAND RAPID TRANSIT.

(Special Report, March 2, 1906.)

Referring to the extract from the Staten Island Transcript newspaper in relation to the physical condition of the Staten Island Rapid Transit Railway, as directed by your Honorable Board, I have made an examination of the portion of said railway mentioned in that article, and respectfully report as follows:

The portion of the road to which attention is directed as being in a dangerous condition, is from Tottenville to Huguenot, about four miles. Your inspector walked over that portion of the road on February 27, 1906, and made a very careful examination of it.

The condition of the ties is very good, not more than 5 per cent. of those now in track needing renewal, and in very few cases was there more than one poor tie in a place. Many of the ties are of soft wood and the rail has cut in them to some extent, and some adzing has been done; the timber in the ties, however, is sound, and the fact that they have been somewhat cut does not injure them to any material extent. The rail, for a considerable of the distance, is 56-pound steel, connected by angle plates. This rail has been in use for a considerable time and is somewhat worn, but nothing was found to indicate that it was in anything approaching a dangerous condition. The first two miles of the road from Tottenville are double-tracked, and all of this track, with the exception of about half a mile of the southbound track, is laid with the 56-pound rail. This single track portion of the road is laid with a second use heavy rail, which is in very fair condition. The only weak spot found in the roadway was at and in the immediate vicinity of a short trestle bridge about half a mile north of Pleasant Plains. The grade approaching this bridge is descending from both directions, the bridge being at the bottom of the depression. The foundation upon which the trestle bents were placed has apparently settled and the embankments at either side of the trestle are somewhat weak. These conditions had caused the track to get out of alignment and somewhat out of surface, so that as a train passed over there was a considerable swinging movement. Your inspector observed this particularly when going to Tottenville on the train, standing on the rear platform of the last car, and on his return watched a train crossing the bridge, and observed the same swinging movement. On my return I found a section gang at work resurfacing the track at the ends of the bridge and aligning the rail upon the bridge. I also learned from the officials of the railroad company that the track was to be raised immediately and the embankments at the end of the bridge strengthened. The foundation upon which the embankment as well as the bridge rests is of soft material and it is necessary occasionally to add more material, as the embankment settles. This has been done before and is now being done again, and when completed the only place found in the roadway where, owing to weak embankments, there was any question of safety, will be made secure. There was not, however, even at this point, nor did I find at any other point, a condition of affairs such as would cause anxiety as to the safety of the trains, operated on the present schedule. (Case No. 3516.)

STERLING MOUNTAIN RAILWAY.

(Inspected August 15, 1906.)

On August 15, 1906, I made an inspection of the Sterling Mountain Railway and respectfully submit the following report:

The Sterling Mountain Railway connects with the main line of the Erie Railroad at Sterlington and extends to the mines at Lakeville, a distance of 7.60 miles. The road is single track, standard gauge, and used almost entirely for transporting ore from company's mines at Lakeville to the line of the Erie Railroad at Sterlington. The road is very crooked and the grades are steep. The maximum curve is 9 degrees and the maximum grade, which extends for a great portion of the length of the road, is 170 feet per mile, ascending toward the mines. The roadway is fairly well graded and the drainage system good. None but very small streams are crossed and there are no iron or wooden span bridges in the roadway. These streams are crossed on framed, bent trestles. Some of the trestles are constructed of round timber; they are however, safe for loads carried and in fair repair. Tie guards are omitted on some of them. The open culverts are also constructed of timber and there are no arch culverts. The pipe drains are in fair condition. The cross-ties, mixed oak and chestnut, are from 6 to 8 inches face, 6 inches thickness, 8 feet in length and laid at the rate of 2,640 to a mile of track. A considerable number of decayed ones were observed and approximately 10 per cent. of all in track need renewal. They are fairly well spaced and full spiked.

The track is laid with mixed 56 and 60-pound steel rails, connected by angle and fish plates 24 inches in length, with four bolts. The rail, while somewhat worn, is in fair condition for the light traffic and slow speed maintained (12 miles per hour.) The connections are full bolted and bolts generally tight.

There are some stub switches remaining in the main track. Most of them however are split point. Rigid and automatic stands are both used. Some of the switch stands were noted as being without targets. Night trains are not operated, therefore, switch lamps are not used. All frogs are rigid. There is a derailing switch in the main track just below where the mine tracks connect. This is to prevent any cars which may get loose at the mines from running away.

The track is very lightly ballasted with gravel and cinders. The alignment and surfacing of the track is somewhat irregular and the elevation of curves variable.

The road for much of its length, runs through property belonging to the mining company which owns the railroad, and the cleared right of way is very narrow. Fences are only maintained opposite private property, and these are not in first class repair.

The highway crossings are well graded, properly planked and protected by signs of the diamond form. There are no cattle guards. No mile or whistle posts are maintained. The only station building is at Sterlington, and is a frame building in fair repair and properly furnished.

The only equipment owned by the company consists of two small locomotives, one flat car and a caboose. All are in fair repair and are equipped with automatic couplers and air-brakes.

Recommendations.

That guard timbers be put upon the trestle structures where now lacking; that necessary tie renewals be made; that targets be put on all switch stands; that the fences be put in proper repair; and cattle guards maintained.

A copy of this report was sent to the company with a letter making the recommendation in the report the recommendation of this Board. The company informed the Board that it would comply with the recommendations. (No. 15 — 1906.)

WESTERN NEW YORK AND PENNSYLVANIA RAILWAY.

(Operated by the Pennsylvania Railroad Company.)

(Inspected August 21, 22 and 23, 1906.)

On August 21, 22 and 23, 1906, I made an inspection of the lines of the Western New York and Pennsylvania Railway in this State and respectfully submit the following report:

The Western New York and Pennsylvania Railway, operated by the Pennsylvania Railroad Company, have in this State the following named lines of railroad: Buffalo division, including the Union Terminal Railroad in Buffalo, extends from Buffalo to the Pennsylvania State line near White House, a distance of 78.78 miles, and has 16.41 miles of second main track and 96.49 miles of sidings and yard tracks. Rochester division, extending from Rochester to Hinsdale on the main line of the Buffalo division, a distance of 98.54 miles. It has a freight branch in Rochester considered as main line extending from the Rochester yard to a connection with the New York Central and Hudson River Railroad, a distance of 2.46 miles, and another branch known as Swains branch which connects with the main line at Nunda Junction and extends to Swains on the line of the Pittsburg, Shawmut and Northern Railroad, a distance of 12 miles. The operation of trains over this branch excepting between Nunda Junction and the village of Nunda, about 2.50 miles, has been discontinued for several years. All the lines are single track. There are on this division 30.57 miles of sidings and yard tracks. The River division extends from a connection with the main line, Buffalo division, at Olean, to the Pennsylvania State line near Wolf Rock, a distance of 38.30 miles, single track and has 47.13 miles of sidings and yard tracks. The Chautauqua division extends from the Pennsylvania State line near Clymer to a connection with the main line, Buffalo division, in Buffalo, a distance of 85.91 miles, and has 17.66 miles of sidings and yard tracks.

Roadbed.

The cuts and embankments of all the lines are generally of fair width and proper slope; a few side cuts of the River division through soft shelly rock, have rather steep slopes subject to wash in times of severe storm; whenever storms occur, however, watchmen are stationed at those points. The Buffalo division has many cuts where track would be improved if better ditches were maintained. There are also a few places on the other divisions where ditches need cleaning and sub-drains would be beneficial.

Bridges, Trestles, Open Culverts and Cattle Passes, Arch and Box Culverts and Iron Pipe Drains.

There are no wooden bridges in the roadway. The steel and iron bridges of the Buffalo division are in good condition, excepting that many of them should be repainted to prevent injury from rust. Quite a number of new bridges have been put in since the last inspection, replacing lighter bridges and timber structures. On the Rochester Division, bridges 12, 13 and 28 are very light, but only the lighter class of motive power is used there and the bridges are to be replaced in the near future. Some of the bridges on this division also need repainting. The bridges of the River division are in first-class condition; most of them have been recently repainted and all are designed for carrying a heavier class of motive power. The bridges of the Chautauqua division are generally in good condition and well painted. The flood bridge near Irving, damaged by freshet about two years ago, has not been rebuilt as recommended. The bridge consists of four spans of deck plate girder. The south abutment and southerly pier were undermined by the freshet; the abutment settled and partially tipped forward; the pier was undermined to the extent that it settled several feet at the easterly end and now is inclined at an angle of approximately 30 degrees. Piles were driven about this masonry and timber cribbing put in supporting the girders. The abutment and pier

above referred to should be promptly rebuilt and the grade at this point raised at least $2\frac{1}{2}$ feet to give sufficient water way, or an additional span of bridge put in. The bridge is owned jointly with the New York, Chicago and St. Louis Railroad, and the masonry extends under the tracks of both roads, which are close alongside. There appears to be some difficulty in reconciling the ideas of the management of the two railroads as to what should be done. I am informed that one railroad wishes to build some masonry on top of the crippled masonry, while the other wishes to rebuild from the bottom. The latter method is the only proper way.

The ties and guard timbers to all bridges are of standard dimensions and are well maintained. Inside guard rails are maintained on all. The masonry is generally in good condition and repairs or renewals are being made as necessary. The overhead highway and farm bridges, both wood and iron, are in good condition and all that are less than twenty-one feet above the track, are protected by warning signals.

The pile and framed bent trestles, of which there yet remains a goodly number, and some quite extensive ones, are of standard construction and well maintained. Very many have been replaced with masonry and iron bridges or culverts and fling since the last inspection, and arrangements are made for eliminating others in the same manner.

Nearly all open culverts and cattle passes of the Buffalo division have good masonry, I-beam stringers and standard floors in proper repair. A few yet remain that are constructed entirely of wood. Since the last inspection very many of the wooden culverts and cattle passes have been replaced with masonry and I-beam or solid flooring. On the Rochester division a large proportion of them is constructed entirely of timber; they are also in good repair and quite a number have been eliminated in the same manner as those on the Buffalo division. All those on the River division have first-class masonry and I-beam stringers. On the Chautauqua division a great portion of those remaining are constructed entirely of timber. A large number have been eliminated by putting in masonry and solid covering and many more replaced with masonry and I-beams. The floors to all are of standard construction and in good repair.

The arch and box culverts and iron pipe drains are apparently in good condition. Many iron pipes have been put in since the last inspection, replacing open culverts.

Track.

The cross-ties of the Buffalo and Rochester divisions are 6 x 7 inches, 8 feet in length and laid at the rate of 2,560 to the mile of track. Those of the Buffalo division are about 98 per cent. oak and the remainder chestnut; of the Rochester division 16 per cent. oak, 70 per cent. chestnut and the remainder cedar. The ties of the river division are 7 x 8 inches, $8\frac{1}{2}$ feet in length, all white oak and laid at the rate of 3,000 to the mile of track. Those of the Chautauqua division are also 7 x 8 inches, $8\frac{1}{2}$ feet in length and laid at the rate of approximately 2,500 to the mile of track under the 85-pound rail and 3,000 to the mile of track under the lighter rail. The ties of this division are all white oak. All ties are full spiked, well spaced and are in good condition, proper renewals having been made.

Eighty-two and eighty-eight one-hundredths miles of the Buffalo division main track are laid with 85-pound, 11.71 miles with 80-pound and the remainder, 0.60 miles, with 67-pound steel rail. The 85-pound rails are connected by angle plates 34 inches in length with six bolts; the 80-pound rail by angle plates 29 inches in length with six bolts, and the 67-pound rail by angle plates 26 inches in length with four bolts. The 85-pound rail is in good condition; the 80-pound rail, generally in good condition; the 67-pound rail is somewhat worn and is to be replaced as well as whatever of the 80-pound needs to be. Three and fifty-one one-hundredths miles of the main line Rochester division track is laid with 85-pound, 17.42 miles with 80-pound, 72.01 with 67-pound, 1.00 mile with 60-pound and 4.60 with 56-pound steel rail. The freight branch in Rochester is laid entirely with 56-pound steel rail. The Swains branch has 3.60 miles laid with 60-pound, 3.05 miles with

56-pound steel rail and the remainder, 5.33 miles, with 56-pound iron rail. The portion of this line laid with iron rail is not operated. The 85-pound rail is connected by angle plates 34 inches in length and the 80-pound rail by angle plates 29 inches in length with six bolts; the 67-pound rail by angle plates 26 inches in length and all the other steel rail by angle plates 24 inches in length with four bolts. The iron rail is connected by fish plates 20 inches in length with four bolts. The 85-pound rail is in good condition and the 80-pound in very fair condition. A portion of the 67-pound rail is somewhat worn and some renewals are necessary. The 60 and 56-pound rail of the main line is much worn and to be replaced. The 56-pound rail of the branch track at Rochester is somewhat worn but in fair condition for the purpose used, which is transferring freight between the two railroads. The 60-pound rail on the portion of the Swains branch which is used, is much worn and should be replaced. The rail on the portion of this branch out of operation was not examined but when last examined, (four years ago) was very poor. One and five-tenths miles of the River division, main track is laid with 85-pound, 3.00 miles with 70-pound and the remainder, 33.80 miles, with 67-pound steel rail. The 85-pound rail is connected by angle plates 34 inches in length with six bolts and the other rail by angle plates 24 inches in length with four bolts. The rail is in from fair to good condition and renewals are being made as necessary. Eighty-three and ninety-one one-hundredths miles of the Chautauqua division main track is laid with 85-pound and the remainder, 2.00 miles, with 70-pound steel rail. The 85-pound rail is connected by angle plates 34 inches in length with six bolts and the 70-pound rail by angle plates 24 inches in length with four bolts. The 85-pound rail is in first-class condition, most of it being new; the 70-pound rail is somewhat worn and is to be replaced.

There are on the Chautauqua division yet remaining two Wharton switches. All other main track switches are split point. Rigid stands are used but there is a spring in the head rod rendering switch automatic for main track. All switch stands have well painted targets. Nearly all switch stands of the Buffalo and River divisions, and many of those of the other divisions, have high targets and in obscure place on grades there are distant signals interlocked with switch stands. Switch and semaphore lamps show red light for danger and white for safety. Green is used for caution. Nearly all main track frogs are spring rail. Derailing switches are in all the sidings connecting with the main track upon which cars are left standing where the grade descends toward the main track. Many were noted, however, where the stands lacked targets.

The main tracks are ballasted with gravel and cinders in from medium to fair quantity. Considerable reballasting has been done.

The alignment and surfacing of the track is very good and the outer rail on curves properly elevated.

The track sections of the Buffalo division average about four miles in length and the force employed upon each consists of a foreman and four laborers; of the Rochester division, 5.50 miles in length and the force employed, one foreman and three laborers; of the River division, 5.00 miles and the force employed one foreman and four laborers; of the Chautauqua division, 5.60 miles, and the force one foreman and four laborers. Regular track walkers are not employed but all portions of the road are patrolled daily. Each section gang is furnished with flags, lanterns and torpedoes.

Alignment, Grades and Curves.

The general alignment of the Buffalo division is fair; the maximum curve is 6 degrees near Ishua. The Rochester division is very crooked and the curves sharp; the maximum is 15 degrees north of Rockville. The River division is rather crooked; the maximum curve is 8 degrees near Wolf Rock. The Chautauqua division has fair alignment and most curves are light; the maximum is 6 degrees, 30 minutes near Prospect. The Buffalo division has a maximum grade of 64 feet per mile for about two miles near Lime Lake.

The Rochester division has many grades and some long. The maximum is 79 feet per mile near Rockville. The River division is nearly level; the maximum grade is 18 feet per mile. The grades of the Chautauqua division are very much broken; the road abounds in sags. The maximum grade is 79 feet per mile for about six miles in the vicinity of Prospect.

Grade Crossings or Railroads.

The Buffalo division crosses at grade one track of the Buffalo Creek Railroad and four tracks of the Erie Railroad at East Buffalo. The crossings are about 200 feet apart and the movements of all trains are governed by signals located on a tower about midway. The signals located on the same tower, govern the crossing of the Erie tracks by the Chautauqua division, also the crossing of the Erie by the Buffalo Creek Railroad. There are between four and five hundred movements of trains over these crossings daily and the method of signaling is of the oldest type and nothing prevents the signal tender from placing any or all of the signals at either danger or safety. This crossing should be protected by a proper interlocking plant. All trains are required to come to a full stop. Two main tracks of the Delaware, Lackawanna and Western Railroad at East Buffalo; the crossing is protected by a proper interlocking plant. One track of the Buffalo, Gardenville and Ebenezers Railway, (electric) at Indian Church Road, and another track of the same railway at Ebenezers. At neither crossing are there derails in the track of the electric road or protection over the trolley wire. Two tracks of the Terminal Railway near Ebenezers, protected by a proper interlocking plant. One track of the Buffalo, Rochester and Pittsburgh Railway at Machias, protected by tilting board signal. All trains are required to come to a full stop. Two tracks of the Erie Railroad at Olean, protected by a proper interlocking plant. One track of the Olean Street Railway, (electric) on Union street, Olean. There are no derails in the track of the electric road, but a proper wire netting is over the trolley wire. Another track of the same street railway is crossed at South Olean. There are no derails in the track of the electric road or protection over the trolley wire. Another track of the same street railway at White House. There are derails in the track of the electric road and proper wire netting over the trolley wire. One track of the Pittsburg, Shawmut and Northern Railroad at White House, protected by a proper interlocking plant.

The Rochester division crosses at grade two tracks of the Rochester Electric Railway on Plymouth avenue, Rochester. There are no derails in the track of the electric road, but a proper copper trough is over the trolley wire. One main track and two sidings of the Buffalo, Rochester and Pittsburgh Railway by the branch connecting with the New York Central and Hudson River Railroad at Rochester, protected by tilting board signal. Western New York and Pennsylvania trains come to a full stop; Buffalo, Rochester and Pittsburgh trains do not if the signal is in their favor. Two tracks of the West Shore Railroad at Genesee Junction, protected by gates and all trains come to a full stop. Two tracks of the Delaware, Lackawanna and Western Railroad at Mount Morris, protected by a proper interlocking plant. The River division crosses at grade, one track of the Olean Street Railway, (electric) near Olean. There are no derails in the track of the electric road or protection over the trolley wire. One track of the Buffalo, Rochester and Pittsburgh Railway and one track of the Erie Railroad at Riverside Junction, protected by a tilting board signal and all trains are required to come to a full stop.

The Chautauqua division crosses at grade, one track of the Jamestown, Chautauqua and Lake Erie Railway at Mayville, protected by a proper interlocking plant. One track of the Dunkirk and Fredonia Railroad, (electric) at Dunkirk. There are derails in the track of the electric road and the copper trough over the trolley wire is too short. One track of the Dunkirk, Allegheny Valley and Pittsburgh Railroad at Dunkirk, protected by tilting board signal and all trains are required to come to a full stop. One track of the Erie Railroad at Dunkirk, protected by tilting board signal and all trains are

required to come to a full stop. One track of the Buffalo and Southwestern branch of the Erie Railroad at Blasdell, protected by tilting board signal and all trains are required to come to a full stop. Two tracks of the Buffalo Creek Railroad at Buffalo, protected by tilting board signal and all trains are required to come to a full stop. Two tracks of the Delaware, Lackawanna and Western Railroad at Buffalo. The crossing is protected by disc signals located on a tower. All trains are required to come to a full stop. The question of the elimination of this crossing is now pending. Two main tracks and two sidings of the Erie Railroad at Buffalo, protected by signals located on a tower. This is the crossing referred to at the head of remarks concerning grade crossings. All trains are required to come to a full stop.

Interlocking.

Interlocking plants are maintained on the Buffalo division at the connection of the New York Central and Hudson River Railroad at Buffalo, the crossing of the Terminal Railroad at Ebenezer, the crossing of the Erie Railroad at Olean and of the Pittsburgh, Shawmut and Western Railroad at White House, governing the movements of trains at those points. On the Rochester division at the grade crossing of the Delaware, Lackawanna and Western Railroad at Mount Morris, governing the movements of trains over the crossing. There are no interlocking plants on the River division. On the Chautauqua division the only one is at the crossing of the Jamestown, Chautauqua and Lake Erie Railway at Mayville, governing the movements of trains over the crossing.

Right of Way.

The right of way is free from trees, brush and rubbish, with the exception that in a few places small brush is left to protect slopes. The fences are generally of wire, and while in very fair repair, a few places were noted where additional repairs are needed.

Highway Crossings.

The grade crossings of highways are properly graded, well planked and protected by signs of the diamond or triangular form. The signs are properly placed and fairly well painted.

Brush in the vicinity of highway crossings outside of the company's right of way, has been removed where practicable.

Five highway grade crossings of the Buffalo division are protected by flagmen, two by flagmen and gates and one by an electric bell. On the Rochester division, four by flagmen. On the River division, one by flagman. On the Chautauqua division, eleven by flagmen, one by flagman and gates and two by electric bells.

Block System, Etc.

The movements of trains on the Buffalo division north of Olean, are protected by a telegraphic block signal system, which system is planned to be extended to other divisions. On the balance of the Buffalo division and on the other divisions, the movements of trains are governed by the telegraphic train order system; passenger trains being protected until arriving at the station in advance, and freight trains spaced and protected when considered necessary. Mile posts are maintained and whistle posts are at the prescribed distance from the highway crossings.

Stations, Etc.

The station buildings are in very fair repair and are clean and neat. Drinking water is furnished and time tables posted in the waiting room. Water in barrels and fire pails is kept in the stations as protection against fire, and at some of the larger stations are fire extinguishers and hose. The station platforms are generally of gravel; some plank platforms yet remain. All are suitably maintained. The station grounds and yards are generally

well kept and at some of the more important ones are small lawns with shrubs, flowers, etc. Station employees are uniformed and wear badges stating their employment.

Equipment.

All equipment observed was in proper condition. Passenger cars have automatic couplers and air brakes, are heated by steam and lighted with gas, oil or electric lamps. Drinking water is carried in the cars and the emergency tools are properly located. All passenger trainmen are uniformed and wear a badge. Dining or cafe cars are run in the long distance trains. The freight equipment appears to be in good condition. Box cars have grab irons on the sides and ladders on the ends; the running boards appear to be well maintained. All freight cars have automatic couplers and about 90 per cent. are equipped with air brakes.

There has been added to the equipment since the last inspection. (August, 1904) four locomotives, two baggage and mail cars and 1,644 freight cars.

Repairs and Improvements.

Very many extensive repairs and improvements have been made since the last inspection; the principal ones noted being as follows: About 33 per cent. of the cross-ties of the Buffalo division have been renewed; 15 per cent. of the Rochester division and 20 per cent. of the other divisions. Fifteen and eighty-three one-hundredths miles of new 85-pound steel rail has been laid on the Buffalo division replacing worn 80 and 67-pound rail. Three and five-tenths miles of second use 85-pound, 17.40 miles of 80-pound and 2.50 miles of 67-pound rail on the Rochester division, replacing worn 67, 60 and 56-pound rail. Three miles of 70-pound rail on the River division replacing worn 67-pound rail. Twenty-five and ninety-one one-hundredths miles of new 85-pound rail on the Chautauqua division, replacing worn 70 and 67-pound rail. Ten and two-tenths miles of main track, Buffalo division, have been rebalasted with gravel, 13.25 miles with cinders. Fifty-eight and fifty one-hundredths miles of main track of the Rochester division with gravel and 1.02 miles with cinders. Twenty and one-fourth miles of the River division has been rebalasted with gravel and five miles with cinders. Sixteen miles of the Chautauqua division with gravel and 4.00 miles with cinders. Quite an amount of gravel ballast is now distributed on this division ready to put in track.

Two light iron bridges of the Buffalo division and one of the River division have been replaced with stronger structures. Two iron structures of the Rochester division and one of the River division replaced with iron pipe and filling and two of the Rochester division with concrete culverts and filling. Two trestles of the Rochester division and two of the Chautauqua division have been rebuilt. One trestle of the Buffalo division and one of the Rochester division replaced with iron bridges. Two trestles of the Buffalo division and five of the Chautauqua division replaced with concrete culverts and filling. Three trestles of the Buffalo division have been extensively repaired; lighter repairs to others on the different divisions. Two open culverts and cattle passes of the Buffalo division, three of the Rochester division and one of the Chautauqua division, rebuilt. Six wooden culverts and cattle passes of the Buffalo division replaced with masonry and I-beams. Two cattle passes of the Buffalo division and thirteen of the Chautauqua division filled. Four culverts and cattle passes of the Rochester division have had timber structures replaced with I-beams. Extensive repairs have been made to the ties and guard timbers of bridges, open culverts and cattle passes and a large number entirely replaced.

Necessary repairs have been made to station and other buildings and a number of minor buildings, water tanks, etc., constructed. Twenty-seven iron structures of the Buffalo division, eleven of the Rochester division and ten of the River division have been repainted. Twenty-five and fifty-one one-hundredths miles of fence of the Buffalo division has been rebuilt and 91.00 miles repaired. Seven miles of the Rochester division rebuilt and 26.00 miles

repaired. One mile of the River division rebuilt and 2.51 miles repaired. Sixteen and seventy-five one-hundredths miles of the Chautauqua division rebuilt and 23.00 miles repaired. Considerable addition has been made to tracks in the various yards some new passing tracks constructed and others extended.

Recommendations.

That the ditches be cleaned where necessary; that the remainder of the bridges where paint is poor repainted; that the flood bridge on the Chautauqua division near Irving, have the south abutment and southerly pier rebuilt; the other masonry and bridge raised at least two and one-half feet or an additional span put in to provide sufficient water way; that necessary renewal of rail, as indicated in above report, be made; that all stands of derailing switches be provided with targets; that a proper interlocking plant be put in at the crossing of the Erie Railroad in Buffalo and that necessary repairs be made to fences.

A copy of this report was sent to the company with a letter making the recommendations in the report the recommendations of this Board. The company replied, stating that the ditches would be cleaned wherever necessary; that the bridges would be painted and the work completed in the coming year. "With reference to rebuilding of piers and trestles, and raising our bridge No. 23, Dead Creek * * *, this is a joint bridge and it takes the action not only of our company, but, also, that of the New York, Chicago and St. Louis R. R. Co. We have this matter under consideration just now and will push it to a rapid conclusion." "All the light rail will be removed from our tracks as rapidly as conditions will warrant." "With reference to the present system of signalling at the crossing of the Erie R. R. at Buffalo, a modern plant is being considered by all parties concerned and a satisfactory conclusion is hoped for at an early date." "We have arranged to make repairs to fences wherever needed." (No. 17 — 1906.)

STREET SURFACE RAILROADS.

HUDSON VALLEY RAILWAY (STILLWATER AND MECHANICVILLE STREET RAILWAY).

January 10, 1907.

See page 938, 1st vol. 1902, report of this Board. Under date of August 4, 1906, the company wrote this Board as to a derailing device at the Park avenue, Mechanicville, crossing at grade of The Delaware and Hudson Company's railroad. A report in the matter, dated January 10, 1907, was made by the electrical expert of the Board as follows:

Referring to yours of August 6, 1906, in reference to a letter from T. J. Nicholl, General Manager Hudson Valley Railway Company, as to derailing switches at the Park Avenue, Mechanicville, grade crossing of The Delaware and Hudson Railroad, I submit:

On account of the large number of matters which have entirely occupied my time in New York city, I have been unable to comply with your instructions to call on Mr. Nicholl in reference to this matter. Had I done so, my views in regard to it would not be changed. I am decidedly of the opinion that these derrails should be properly constructed at such a distance from the steam road, and with such a lead as to prevent the electric car from running over the pavement on to the steam tracks, and that they should be properly maintained. Experience has proven that gates and bells are not proper protection at crossings of steam and electric railroads.

The company was informed that "This Board agrees with the statements in this report." (Case No. 3490.)

ODGENSBURG STREET RAILWAY.

March 9, 1906.

See page 297, 1st vol. 1905 report of this Board. Under date of March 8, 1906, the company informed the Board that:

"I wish to inform you that we have equipped our cars with oil tail lights as recommended in your, Mr. Barnes' report.

"We are trying to arrange with the New York Central Railroad to abolish the grade crossing at River street and change our route so as to go across their tracks on an overhead bridge on Rensselaer ave. I think this change together with the other safeguards which I informed you of several months ago will practically take care of all recommendations made by your Mr. Barnes." (Case No. 2795.)

RICHMOND LIGHT AND RAILROAD COMPANY'S RAILROAD.

February 13, 1906.

Under date of October 26, 1904, the electrical expert of this Board reported as to the physical condition of the Richmond Light and Railroad Company's railroad. A copy of the report was sent to the company, with a letter, dated November 5, 1904, making the recommendations in the report the recommen-

dations of this Board. Under date of December 7, 1905, Inspector Brazee of this office reported as follows:

I have this day made an inspection of the Richmond Light and Railroad Company's system, with a view of seeing whether the recommendations of Inspector Barnes in his report to your Honorable Board, dated October 26, 1904, and append first, Inspector Barnes.

Recommendations.

1. That shelter be provided for passengers at the South Beach terminus of the line.

2. That copper troughs be placed on the trolley wires and special work be renewed at the grade crossings of steam railroads on Bay street, Richmond terrace and Richmond avenue.

3. That at the crossing of the switch-track of the Staten Island Rapid Transit Railway all cars should come to a stop and motormen receive two bells from the conductors before going over the crossing.

4. That "stop" signs be placed at the top of the grade approaching the junction of the Staten Island Midland Railroad at Hyatt street, on the main line, and at the top of the grade approaching the crossing of the tracks of the Staten Island Midland Railroad on Richmond terrace.

5. That a special work curve be put in on the main line track at the curve facing the bank above the tracks of the Staten Island Rapid Transit Railroad near the Sailors' Snug Harbor.

6. That special attention be given the sanding of track on the grade approaching the junction of the Staten Island Midland tracks at Hyatt street, which should be done frequently by the switchman located at that point, especially during conditions of weather which result in slippery track. In addition to the frequent use of sand cars and the equipment of all cars operated over this junction with sand boxes, which should be tested before going down the grade on the approach to the junction, this switchman should act as dispatcher at this point, and no car should be allowed to start down the grade on the approach to the junction after another car has passed Tompkins street on the Staten Island Midland tracks coming down the grade, or while there is a car on the inbound track between the junction and the curve at the foot of the grade.

7. That the recommendations contained in a report, dated July 14, 1904, on an accident which occurred on this company's system be complied with.

With regard to the above recommendations, I find the following:

1. No shelter has been provided for passengers at the South Beach terminus of the line.

2. No copper troughs have been placed, or special work renewed at the grade crossings of steam railroads on Bay street, Richmond terrace, or Richmond avenue.

3. Method of crossing the switch-track of the Staten Island Rapid Transit Railway is being observed, as recommended.

4. "Stop" sign has been placed at all points mentioned in this recommendation.

5. Special work and Belgian block pavement has been installed and finished at curve at Sailors' Snug Harbor facing bank above tracks of Staten Island Rapid Transit Railway, and the track at this point is now in good shape.

6. A box of sand is in use at the Hyatt street junction, and a switchman is on duty, who acts as recommended.

7. This recommendation refers to six recommendations made by Inspector Barnes, in a report dated July 14, 1904, and all apply to the operating department of this road. I prefer to leave this matter for Inspector Barnes to take up, confining my report to the physical condition of the road as contained in Inspector Barnes' report of October 26, 1904.

In addition to the above, the surface dirt and ballast on the Silver Lake division of this road, on what is known as the "paper factory hill" on the Richmond Turnpike near Silver Lake, have been washed away by recent

rains, and since the inspection of Mr. Barnes, and ties are exposed. This section should be repaired at once.

A copy of this report was sent to the company and its attention was particularly called to the last paragraph therein. In letters dated December 27, 1905, and February 7, 1906, the company informed this Board as follows:

Your favor of the 14th inst., referring to the report of an inspector indicating a defective roadbed on the Silver Lake line at the point known as "paper factory hill," received.

There has been practically no change in the conditions at the point named in the last four or five years; the ties as indicated in the communication referred to being exposed wholly or in part during the period mentioned. We have at times filled in from the ties to the head of the rail with either ashes, broken stone or materials of different sorts, but so far have not succeeded in keeping any material between the rails on this section. As we understand the term ballast it means the foundation on which the ties rest, and the ballast in this case is certainly intact and has not been disturbed for the period mentioned, although there is nothing on top of the ties. We do not see that this is detrimental, as the writer has under his management a number of miles of road where the ties are exposed in the same manner and have been for quite a number of years, without any ill effects. We have had in contemplation the paving with granite blocks of this section, but the writer is inclined to the belief that this would be more injurious than beneficial, as the loose macadam and gravel from the hill above would wash on to the rail and not being able to clear the rail owing to the presence of the pavement, would sometimes cause a derailment. In other words the fact that the track is practically an open ditch, permits the rail to clean itself during all kinds of storm and from any accumulation of dirt possible under the condition where the track was either open or filled with material flush with the head of the rail.

I desire to assure you personally if we felt there was the least element of danger we would not permit twenty-four hours to pass without making a change in the situation.

Replying to your communication of the 18th inst. asking for further information on the question of copper troughs over the trolley wire at railroad crossings, would state that we have made inquiry of the Superintendent of Overhead Construction of the Public Service Corporation of New Jersey—which covers the largest area and more railroad crossings with overhead construction than any other in the United States—and according to his recommendation the copper trough over the railroad crossing is a detriment rather than an advantage, for the reasons they present quite a resistance to the wind and being suspended in the manner which they are, do not offer substantial protection in time of heavy snow or sleet; or in other words, the factor of safety so far as the trolley wire falling is concerned, is very materially decreased owing to the additional weight which the suspensions are compelled to bear under the above conditions.

It is not the matter of expense which made us dilatory about carrying out these suggestions, but partially for the above reasons and the fact that one of the crossings indicated is crossed on such an angle as to make the suspension of a copper trough the entire distance almost impossible. We wish to accord our passengers and employees every facility possible for the prevention of accidents but we are not convinced from our own observation, that the installation of the copper trough increase the safety factor. The crossings in question are all operated with the interlocking system which protects the intersection absolutely unless utterly disregarded by employees of one or the other company.

I trust your Honorable Board can see their way clear to agree with us in this matter, as it is not, as above stated, a matter of the expense, but we believe far safer to operate with nothing on the bare wire across the railroad intersections in preference to the troughs.

Referring to your communication of January 25th, would state that so far as recommendation No. 1 is concerned — providing shelter for passengers at the beach terminus of the line, will say the loop at this place is built around a hotel which has a porch directly in front of it, which is certainly adequate protection for the passengers as the building itself can be used in inclement weather if persons desire to avail themselves of the privilege. The ground occupied by the tracks is leased and the lease is conditioned on our using the above porch and building as a terminal station, and if we were to attempt to erect any other building it would have to be on ground belonging to these people and would of course, be a violation of our contract. To begin with, there is no reason for any additional shelter at that point as the business is a summer one, and it would mean our giving up our present facilities.

As to recommendation No. 2, that was fully taken up in our letter of December 27th.

I believe all the other recommendations have been carried out in accordance with the request of Mr. Barnes.

During the year this Board has made other investigations as to the conditions and operation of this railroad, and at the time of writing this report is continuing its investigations. (Case No. 3241.)

STATEN ISLAND MIDLAND RAILROAD.

September 10, 1906.

Under date of October 26, 1904, the electrical expert of this Board reported as to the physical condition of the Staten Island Midland Railroad, which report contained recommendations. A copy of the report was sent to the company, with a letter, dated November 21, 1904, making the recommendations in the report the recommendations of this Board. Under date of December 8, 1905, Inspector Brazeo of this office reported as follows:

I have inspected the Midland Railroad Company's system with a view of ascertaining whether the following recommendations of Inspector Barnes, contained in his report dated October 26, 1904, have been observed:

1. That the grade crossing of the tracks of the Staten Island Rapid Transit Railway on the Midland Beach line of this company's system be equipped with derails on either side of the crossing, these to be operated by a man stationed at that point at all hours while the cars are run during the excursion business to and from Midland Beach, and that copper troughs be placed on the trolley wires extending over the crossing.

2. That "stop" signs be placed at the top of the grades on Montgomery avenue and Broad street at the top of the six and one-half per cent. grade which extends for fifteen hundred feet on the turnpike and at the top of the four per cent. grade descending in the opposite direction on the same street.

3. That the facing-point crossover on the Midland Beach line near Red lane be made a trailing-point one.

4. That all cars operated be equipped with double chain brakes and sand boxes.

5. That the grade approaching the junction of the Richmond Light and Railroad Company's tracks on Hyatt street be properly sanded at all times in addition to the sand applied to the track by the sand cars and the use of sand boxes on cars.

6. That some provision be made to separate incoming from outgoing passengers at the Midland Beach terminus.

I find the following:

1. No derails and no copper troughs have been installed at the crossing of the Midland Beach line with the Staten Island Railway at Red lane (Grant City station).

2. There "stop" signs have been placed with the exception of the point at the top of grade on Broad street, where there is no sign.
3. This facing-point crossover remains unchanged.
4. This recommendation has not been complied with.
5. There is a man on duty at the Hyatt street junction and a box of sand at this point. The grade is just being relaid, Belgian blocks replacing the macadam pavement.
6. No provision was made during the past summer season to separate incoming from outgoing passengers at the Midland Beach terminus of the line.

A copy of this report was sent to the general manager of this company (which was in the hands of receivers), with a letter from this Board. He answered as follows:

Replying to your communication of January 25th, would say with reference to recommendation No. 1, the same condition as to copper troughs prevails in this case as that of the Richmond Light and Railroad—covered by my letter of December 27th, except that this crossing is used only during the summer and no cars are run over this division from October to May.

Regarding recommendation No. 3, would refer you to our letter of January 16, 1905.

4. This recommendation has not been complied with as yet as I have no authority from the receiver up to this time to make the expenditure necessary for this installation. The entire tracks are sanded by sand car whenever slippery or wet conditions prevail.

6. Attempt has been made since this recommendation was made, to separate the incoming and outgoing passengers, but owing to the fact that the whole loop and incoming and outgoing tracks are exposed and open, and cannot be fenced in by the company, it is a very difficult problem to solve for the reason that when attempt is made to unload in one place, the outgoing passengers immediately rush up and try to board the car. The receiver would only be to pleased to adopt any suggestion or plan which would cover the present conditions at Midland Beach and accomplish what your Board desires.

The writer has been given to understand that steps are now being taken to wind up the affairs of the receivers, and I have no doubt that as soon as this is done, that there will be a change in the character of the equipment used.

During the year this Board has made other investigations as to the condition and operation of this railroad, and at the time of writing this report is continuing its investigations. (Case No. 3242.)

SYRACUSE RAPID TRANSIT RAILWAY.

July 24, 1906.

See page 528, 1st vol. 1903, report of this Board. Under date of July 23, 1906, the company reported to this Board as follows:

SYRACUSE RAPID TRANSIT RAILWAY CO.

SYRACUSE, N. Y., July 23, 1906.

Board of Railroad Commissioners, Albany, N. Y.:

Gentlemen.—Replying to the letter of your secretary in relation to recommendations made by your electrical expert in 1900:

Salina and Wolf route; track on Wolf street has been relaid with new rail, as recommended. The tracks on North Salina street, between Wolf street and the lake have been repaired.

On Walnut avenue a stop sign has been placed at the top of the hill on Harrison street, and all cars coming down the hill come to a stop at this point.

On Willow street on the 7 per cent. grade a stop sign has been placed at

the head of the hill on Highland avenue. All cars come to a stop before coming down the hill.

On the Solvay line low joints have been raised up and the track has been relaid. The single track 90-pound "T" rail on Park avenue has been repaired; the flat rail on the Erie Canal lift bridge have been replaced.

The track between the terminal and first switch on the Solvay line has been ballasted and raised above the driveway.

The track on the Butternut line has been entirely replaced.

A stop sign has been placed on the Warren street bridge for all cars descending.

The track in Midland avenue, from Colvin street south has been entirely rebuilt.

The track in Butternut street between Salina and Townsend streets has been entirely rebuilt.

The angle jump crossing at Salina street and the R., W. & O. R. R. tracks have been replaced with a new crossing.

On South Salina street at the junction of the Syracuse and Binghamton branch of the D., L. & W. R. R., derailling switches are now on the ground ready to be placed. The aluminum trough extending over the crossing is being put in position.

At the Grape street crossing of the single track of the D., L. & W. R. R., and crossing has been renewed, and aluminum troughs for the trolley wire are on the ground ready to be placed.

At South West street where the double tracks of this company cross the double tracks of the D., L. & W. R. R. troughs have been placed on the trolley wires extending over this crossing.

All the cars running into the suburban territory are equipped with rear tail lights.

Yours very truly,

(Signed)

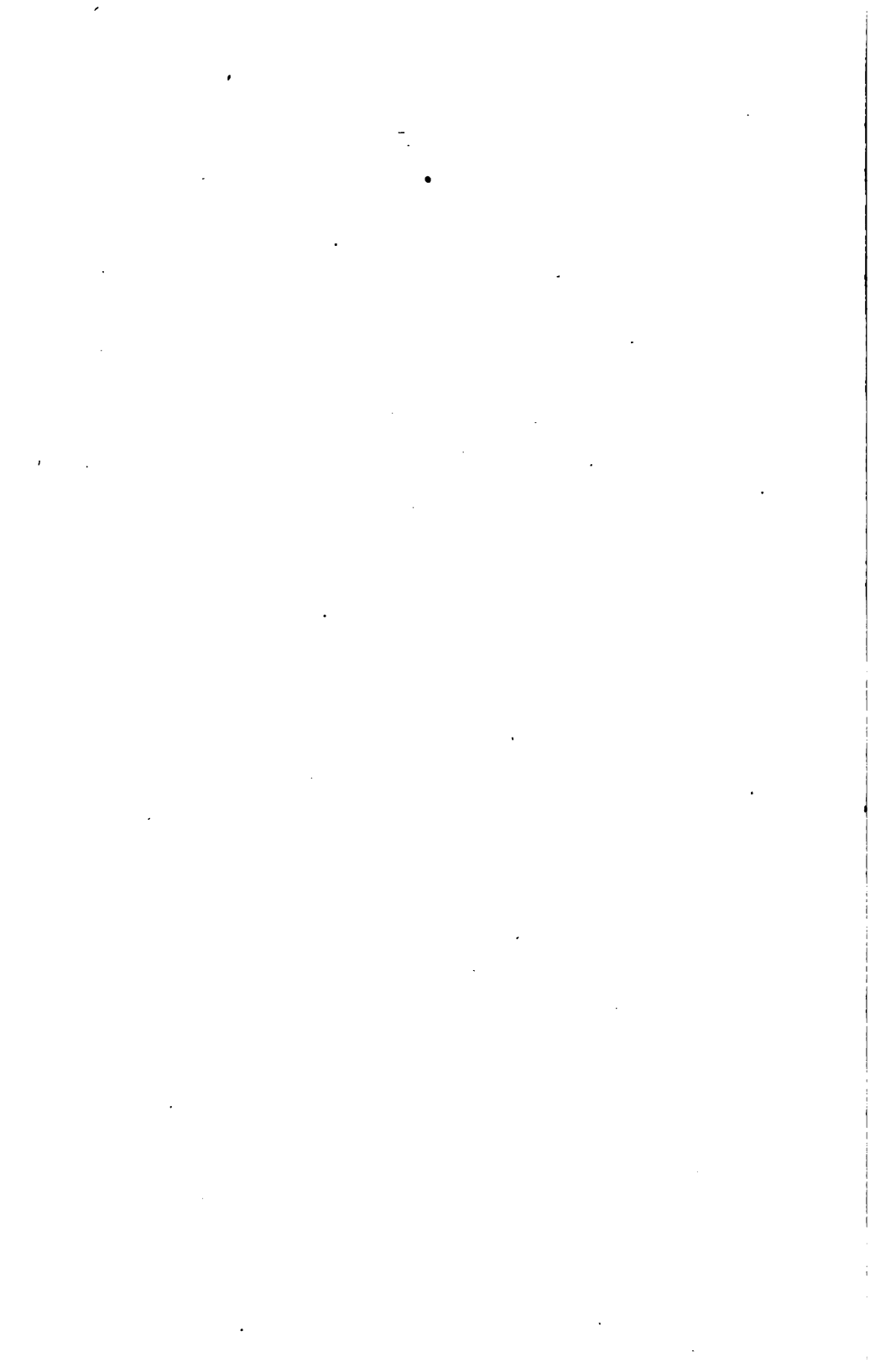
J. E. DUFFY,
Superintendent.

(Case No. 2548.)

WESTCHESTER TRACTION COMPANY (OSSINING ELECTRIC RAILWAY).

October 31, 1906.

See page 299, 1st vol. 1905, report of this Board. During the year this Board recommended to the Westchester Traction Company (the successor of the Ossining Electric Railway Company) that it cease operation of its railroad until certain repairs were made. The operation of its railroad did so cease and it is not now in operation, the repairs not having been made. (Case No. 2227.)



MINUTES OF THE BOARD.

REPORTED IN PURSUANCE OF SECTION 166 OF THE RAILROAD
LAW.

[For the treatment of complaints against corporations coming under the supervision of the Board, the following method of procedure has been adopted: Upon receipt of a complaint a copy of the complaint is at once forwarded to the officers of the corporation against which complaint is made, with the request to answer within ten days. Reply to the complaint is then transmitted to the complainant, and if the matter is not satisfactorily adjusted by correspondence, a public hearing, if necessary, is had before the Board and such order made as the evidence then adduced seems to warrant. Other matters coming before the Board are governed by rules of procedure, made by it, which rules are published in this volume.]

BUFFALO, DECEMBER 5, 1905.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Aldridge.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Sheehan & Hatch (Edward W. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, and for property owners, in opposition; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh Valley Railroad Company, the Lehigh Valley Railway Company and the Buffalo, Thousand Islands and Portland Railroad Company, in opposition; John S. Rockwell, generally, for the Buffalo, Rochester and Pittsburgh Railway Company; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company; Moot, Sprague, Brownell & Marcy (Mr. Marcy appearing) for the Erie Railroad Company; Rogers, Locke & Babcock (Mr. Locke appearing) for the Delaware, Lackawanna and Western Railroad Company; Lockwood, Hoyt & Green (Mr. Hoyt appearing) for the Lake Shore and Michigan Southern Railway Company, in opposition; John W. Fisher for the town of West Seneca and the town of Cheektowaga; Tracy C. Becker for the Niagara Transfer Railway Company; Frank Rumsey for the Pennsylvania Railroad Company. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3082.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Aldridge.

Hearings.

Application of the Terminal Railway of Buffalo and the Lehigh Valley Railroad Company (joined in one petition), under section 60 of the Railroad

Law, for a determination as to the manner in which a connecting track between the railroad of the Terminal Railway of Buffalo and the railroad of the Lehigh Valley Railroad Company, known as its Depew and Tonawanda branch, shall cross a highway in the village of Depew known as the Ellicott road. Pooley & Spratt (Mr. Pooley appearing) for the applicants; S. G. O'Hart for the village of Depew, asking that the overhead bridge proposed shall have a driveway 50 feet wide and a sidewalk 8 feet wide, and that the grade on the westerly approach shall be 3 per cent. instead of 4 per cent. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 560.)

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, January 3, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. Mr. Dudley took all the applicant's exhibits of this date and is to return them. (Case No. 3082.)

The Board adjourned.

BUFFALO, DECEMBER 6, 1905.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Aldridge.

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 2, 1902, as to the elimination of crossings of the New York Central and Hudson River Railroad and the Buffalo, Rochester and Pittsburgh Railway in the town of Gates, Monroe county, John S. Rockwell, for the Buffalo, Rochester and Pittsburgh Railway Company, and George P. Decker, for the town of Gates, appeared before the Board with a general plan for the work, bearing the approval of the New York Central and Hudson River Railroad Company and the town, and Mr. Rockwell stated that the Buffalo, Rochester and Pittsburgh Railway Company approved of said plan. Ordered said plan approved, but it was returned to Mr. Rockwell to have indorsed thereon the approval of the engineer of the Buffalo, Rochester and Pittsburgh Railway Company. This is the plan referred to on the minutes of August 14, 1905, and takes the place of the plan attached to the office original determination in this matter. (Grade Crossing Case No. 330.)

Hearings.

Application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Bushnell & Metcalf (Mr. Bushnell appearing) for the applicant; Pooley & Spratt (Mr. Spratt appearing) for the New York Central and Hudson River Railroad Company, in opposition; William E. Hoyt for the Lake Shore and Michigan Southern Railway Company, in opposition; John S. Rockwell, generally, for the Buffalo, Rochester and Pittsburgh Railway Company; Joseph G. Dudley for the Buffalo Frontier Terminal Railroad Company in opposition; Franklin D. Locke for the Delaware, Lackawanna and Western Railroad Company, in opposition; Frank Rumsey for the Pennsylvania Railroad Company; Moot, Sprague, Brownell & Marcy (Mr. Sprague appearing) for the Erie Railroad Company, in opposition. Without the hearing of evidence or arguments, the applicant stating that it was not prepared to go on on this date, the hearing was adjourned until Wednesday, January 17, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

In the matter of a crossing at grade by the Delaware, Lackawanna and Western Railroad of the Buffalo Creek Railroad, the Pennsylvania Railroad and the New York, Chicago and St. Louis Railroad at the junction near Smith street, Buffalo, representatives of said companies appeared before the Board as to the Delaware, Lackawanna and Western Railroad crossing the other railroads overhead instead of at grade. The appearances were Frank Rumsey for the Pennsylvania; Henry W. Sprague and E. F. Knibloe for the Buffalo Creek Railroad; Franklin D. Locke and W. S. Jenny for the Delaware, Lackawanna and Western Railroad Company; A. W. Johnston for the New York, Chicago and St. Louis Railroad Company. After hearing arguments and looking at a plan submitted by the Lackawanna Company, it was agreed that representatives of the companies named shall meet at the office of R. L. O'Donnell, general superintendent of the Buffalo and Allegheny Valley division of the Pennsylvania Railroad, on Wednesday, the 13th inst., 10 a. m., and endeavor to agree on a plan for this overcrossing. The hearing before this Board was adjourned until Wednesday, January 3, 1906, 12:30 p. m., at the Hotel Iroquois, Buffalo. (No. 29 — 1906, and No. 9 — 1903.)

Application of the Buffalo and Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Herbert P. Bissell for the applicant; Pooley & Spratt (Mr. Spratt appearing) for the New York Central and Hudson River Railroad Company, in opposition; Moot, Sprague, Brownell & Marcy (Mr. Sprague appearing) for the Erie Railroad Company, as to proposed crossings of said company's railroad by the applicant's railroad; Frank Rumsey for the Pennsylvania Railroad Company, as to proposed crossings of said company's railroad by the applicant's railroad; John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company, in opposition; George L. Lewis, generally, for the Buffalo, Batavia and Rochester Electric Railway Company. After hearing evidence and arguments a recess was taken in this matter until 2:15 p. m. (Case No. 3448.)

The Board took a recess until 1 p. m.

AFTER RECESS — 1 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Aldridge.

Hearings.

Petition of the president and trustees of the village of Westfield, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing of said railroad. H. L. Munson for the petitioner; W. A. Cochrane; W. F. Groat, as a citizen; H. Melkuish, as a citizen; D. K. Falvoy, as a citizen; E. M. Cantwell, as a citizen; L. L. Babcock for the New York, Chicago and St. Louis Railroad Company; William E. Hoyt for the Lake Shore and Michigan Southern Railway Company. After hearing evidence and arguments the hearing was adjourned until Wednesday, January 3, 1906, 2 p. m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 565.)

Application of the Genesee River Railroad Company (steam) for a certificate under section 59 of the Railroad Law. H. A. Taylor for the applicant; Frank Rumsey for the Pennsylvania Railroad Company, as to proposed crossings of the Pennsylvania Railroad by the applicant's railroad; Willis L. Fox, highway commissioner of the town of Nunda; Alfred B. Kent. After hearing evidence and arguments the hearing was closed. The company is to file with the Board a statement of the estimated cost of this railroad. The company substituted for map and profile heretofore filed another map and profile. (Case No. 3435.)

The hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad

Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Thursday, January 18, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3448.)

Bill Approved.

The following bill was approved:

General Expenses.

John J. Farley (expenses)..... \$46 00

The Board adjourned.

ALBANY, DECEMBER 12, 1905.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of November 9, 10, 14, 15, 16, 20, 21, 22, 28, 29 and December 5 and 6, 1905, were read and approved.

Hearings.

Adjourned hearing in the matter of the complaint of E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public. Mr. Bedell and Samuel B. Coffin appeared for complainant; R. J. LeBoeuf, attorney, and George G. Blakeslee, second vice-president and general manager, appeared for the company. After hearing evidence and arguments the hearing was closed. (Case No. 3402.)

In the matter of the application of the New York, New Haven and Hartford Railroad Company, under section 60 of the Railroad Law, as to a second track of its railroad on its Highland division crossing streets, avenues and highways, in which matter the evidence is closed, William H. Caldwell, a property owner, appeared before the Board and asked that crossing No. 4 be an undercrossing. (Grade Crossing Case No. 559.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the matter of the application of the Keeseville, Ausable Chasm and Lake Champlain Railroad Company, under section 68 of the Railroad Law, for a determination as to whether its railroad shall cross the New York and Canada Railroad (leased to and operated by the Delaware and Hudson Company) at Port Kent, above, below or at the grade of said last named railroad. Thomas O'Connor for the applicant; L. E. Carr for The Delaware and Hudson Company and the New York and Canada Railroad Company, in opposition to a crossing at grade. After hearing evidence and arguments the hearing was closed. The superintendent of the grade crossing bureau is to make a report in this matter, and is not to meet with the engineers of the companies as referred to on the minutes of November 9 last, said meeting not having heretofore taken place. (Case No. 3315.)

Adjourned hearing in the matter of the petition of the mayor and common council of the city of Yonkers and the New York Central and Hudson

River Railroad Company, joined, under section 62 of the Railroad Law, as to changing certain grade crossings in Yonkers of said company's railroad from grade. C. C. Paulding for the New York Central and Hudson River Railroad Company; Ludlow & Townsend (Mr. Ludlow appearing) for James B. Ludlow as one of the executors and trustees of the last will and testament of Thomas W. Ludlow, Jr., deceased, and especially for the purpose of objecting to the jurisdiction for Jacob F. Miller, the other surviving executor and trustee of the same will and testament, also for executors and trustees of the last will and testament of Henry M. Schieffelin, deceased, also for the Pure Oil Company at the request of Mr. Murphy, also for Henry S. Ford and Mary G. Hays, property owners. Mr. Ludlow stated that Augustus N. Hand, who appeared on November 22 for Annie Ludlow Winters and as counsel for Mr. Townsend, had requested him to look after his interests to-day. After hearing evidence and arguments the hearing was adjourned until Tuesday, December 19, 1905, 2 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Grade Crossing Case No. 533.)

The adjourned hearing in the matter of the application of the New York City Inter-Borough Railway Company (street surface, electric), under section 68 of the Railroad Law, as to its railway crossing the New York and Harlem Railroad (steam; leased to and operated by the New York Central and Hudson River Railroad Company) at One Hundred and Eightieth street, Borough of the Bronx, New York city, which was to have been held to-day, was, at the request of counsel, postponed to a date to be thereafter fixed. (Case No. 3399.)

The adjourned hearing in the matter of the application of the Auburn and Syracuse Electric Railroad Company, under section 68 of the Railroad Law, for a determination as to whether its railroad (single track, street surface) shall cross the Lehigh Valley Railroad (steam; three tracks) at West Genesee street in the city of Auburn above, below or at the grade of said steam railroad, which was to have been held to-day, was postponed at request of counsel until Tuesday, December 19, 1905, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3405.)

The adjourned hearing in the matter of the application of the Auburn and Northern Electric Railroad Company, under section 68 of the Railroad Law, for a determination as to whether its railroad (single track, street surface) shall cross the Lehigh Valley Railroad (steam—single track) at State street in the city of Auburn above, below or at the grade of said steam railroad, which was to have been held to-day, was postponed at request of counsel until Tuesday, December 19, 1905, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3406.)

Bills Approved.

The following bills were approved:

General Expenses.

Karl F. Colson (expenses).....	\$11 40
John R. McClellan.....	25 70
The Smith-Premier Typewriter Company.....	36 01
Hudson Valley Paper Company.....	8 55
Western Union Telegraph Company.....	1 85
Postal Telegraph-Cable Company.....	6 52
Harry J. Sternberg.....	10 50
The Smith-Premier Typewriter Company.....	149 00
The Smith-Premier Typewriter Company.....	45 00
J. D. Shultz (expenses).....	75 75
"Klips" E. C. Cuyler, Secretary-Treasurer (November)	25 00

MINUTES OF THE BOARD.

American Express Company (November)	\$16 19
National Express Company (November)	17 45
Hudson River Telephone Company	22 72
Thomas J. Cowell	18 62
Great Bear Spring Company	3 00
A. H. Clapp	3 50
George A. Traver, Superintendent (New York city) ..	2 60
Battery Place Realty Company (New York city)	150 00
New York Telephone Company (New York city)	24 70
H. C. Keyes (stenographer services)	100 00
G. Dorn (typewriting)	248 40
	<hr/>
	\$1,002 46
	<hr/>

Grade Crossing Expenses.

James E. Brazee (expenses, October, \$9.60; November, \$54.75)	\$64 35
Henry C. Parsons	7 00
	<hr/>
	\$71 35
	<hr/>

Grade Crossing Construction Account.

New York Central and Hudson River Railroad Co..	\$13,364 94
For the State's proportion of the cost of changing the Hotel or Main street grade crossing to an undercrossing, the closing of the South Market street grade crossing and the construction of a new piece of highway, in the town of Byron, Genesee county, in pursuance of a determination of the Board of Railroad Commissioners, under section 62 of the Railroad Law, dated August 28, 1902, and modified determination in letter, dated March 12, 1903.	
New York Central and Hudson River Railroad Co..	2,163 13
For the State's proportion of the cost of the closing and discontinuance of the Seneca turnpike highway grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company), in the town of Vernon, Oneida county, at a point known as Adams crossing, and the construction of a new overhead bridge crossing in place of a then existing overhead crossing and improved approaches to said bridge, in pursuance of a determination of the Board of Railroad Commissioners, under section 62 of the Railroad Law, dated November 22, 1900, and modified determination, dated July 31, 1901.	

\$15,528 07

The Board adjourned.

ALBANY, DECEMBER 13, 1905.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

In the matter of the application of the Elmira, Corning and Waverly Railway for a certificate, under section 59 of the Railroad Law, in which

a hearing as to the evidence of the *bona fides* and ability of the company to construct its proposed railroad was to have taken place to-day, this evidence was not taken because the attorneys for the Erie and The Delaware, Lackawanna and Western railroad companies notified the Board that those companies desired to offer evidence in opposition and an adjourned hearing in this matter for the purpose of those companies offering evidence in opposition was ordered set for Tuesday, December 19, 1905, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city—the *bona fides* and ability to build matter going over until the evidence on the merits is closed. (Case No. 3412.)

Complaints.

P. Condon, Jr., against the Interborough Rapid Transit Company (Manhattan Railway division) as to operation of shuttle train service from One Hundred and Twenty-ninth street and Third avenue to One Hundred and Twenty-seventh street and Second avenue. Report dated November 29, 1905, received from the inspector of grade crossings. Ordered filed. This case was closed on the minutes of March 9, 1905, and is not re-opened. (Case No. 3295.)

Edward Livingston of Highland Station, Putnam county, against the New York Central and Hudson River Railroad Company as to alleged overcharge on shipment of lumber from New York city. Answer of company received, stating that the overcharge would be refunded. Copy sent complainant. Letter dated November 27, 1905, received from complainant stating that the overcharge had been refunded. Closed. (Case No. 3445.)

Edward C. Buchenau against the Erie Railroad Company as to operation of passenger train from New City about 6:20 a. m. Letter dated December 7, 1905, received from complainant stating that the train which had been operated was to be discontinued on the 10th inst. Letter dated December 8, 1905, written the company on the subject. This case was closed on the minutes of May 31, 1905, and is now re-opened. (Case No. 3342.)

Woodlawn Taxpayers' Association, of New York city, against the Union Railway Company as to passengers from West Mount Vernon being compelled to change cars at a point where the Bronx Park station of the elevated railroad is located and as to passengers from Yonkers being compelled to change cars at a point where the Pelham Avenue station of the elevated railroad is located, in the Borough of the Bronx, New York city. Letter dated November 21, 1905, received from complainants. The inspector of grade crossings is to make a report in this matter. This case was closed on the minutes of November 10, 1905, and is now re-opened. (Case No. 3434.)

George J. Beyer against the Brooklyn Heights Railroad Company as to operation of its railroad. Copy sent company. Letter dated December 9, 1905, received from the company. Copy sent complainant. The company is to answer further in this matter. (Case No. 3466.)

H. J. Welcher against the Newark and Marion Railway Company as to said company carrying freight and passengers on its railroad by steam power. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered hearing set for Wednesday, January 3, 1906, 2:30 p. m., at the Hotel Iroquois, Buffalo. (Case No. 3447.)

William P. Gregg and others against the New York, Ontario and Western Railway Company complaining of the abandonment of its station at Cuddebackville, on its Port Jervis and Monticello branch. Copy sent company. Letter dated December 9, 1905, received from company and answer dated December 11, 1905, sent company. (Case No. 3455.)

N. E. Hutchens and supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to operation of cars in Monroe county. Copies sent company. Answer of company received. Copies sent

complainants. Reply received from Mr. Hutchens. Closed. (Case No. 3458.)

Herbert M. Caswell of Malden against the New York Central and Hudson River Railroad Company (West Shore Railroad, lessor) as to cars on train No. 18, leaving Albany at 5:30 p. m., not being heated before starting, in the winter time. Copy sent company. Answer of company received stating that the cause of complaint would be removed. Copy sent complainant. Reply of complainant received. Closed. (Case No. 3451.)

Residents of Central Park, Long Island, against the Long Island Railroad Company, as to improvements asked for in the operation of its railroad. Copy sent company. Answer of company received. Copy sent complainants. Closed. (Case No. 3459.)

Mary R. Campbell, secretary, Women's Municipal League of the Borough of the Bronx, New York city, Kingsbridge branch, against the New York City Railway Company, as to the establishment of a shelter station on its railway at Two Hundred and Twenty-first street and Broadway. Report dated November 15, 1905, received from the inspector of grade crossings. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Case No. 3426.)

Thirty-first Ward Taxpayers' Association of Brooklyn against the Brooklyn Heights Railroad Company as to flagmen at crossings. Report dated November 24, 1905, received from the inspector of grade crossings. Ordered filed. Closed. (Case No. 3463.)

Joseph M. Wilcox of Hoosick Falls against the Rutland Railroad Company as to fence of said company along his farm. Letter dated November 17, 1905, received from complainant stating that a portion of the fence has been constructed, with a promise to complete the work in the spring. Ordered filed. Closed. (Case No. 3392.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Report dated November 16, 1905, received from the inspector of grade crossings. Ordered copy sent complainant. (Case No. 3222.)

E. A. Tredwell against the Long Island Railroad Company as to alleged overcharge in payment of passenger fares from East New York to Jamaica. Answer of company (second answer) received. Copy sent complainant. Reply of complainant received. Closed. (Case No. 3442.)

F. W. Parks against the Delaware and Hudson Company and the New York, Ontario and Western Railway Company as to non-connection of passenger trains of said companies at Sidney. Answers of companies received stating that the cause of complaint would be corrected. Copies sent complainant. Letter dated November 18, 1905, received from complainant. Closed. (Case No. 3446.)

William A. Lapp and others of Stephentown against the Rutland Railroad Company as to fences along complainants' lands. Letters dated November 22 and 29, 1905, received from the company. Letter dated November 25, 1905, received from Mr. Lapp. Ordered filed. Closed. (Case No. 3417.)

W. H. Harrison of Lebanon Springs against the Rutland Railroad Company as to the condition of fence of that company along his farm. Letter dated November 25, 1905, received from the company, stating that the fence would be constructed. Copy sent complainant. Closed. (Case No. 3440.)

W. B. Van Alstyne against the Albany and Hudson Railroad Company as to said company not giving receipts for milk shipped at Kinderhook. Copy sent company. (Case No. 3462.)

Ogilvy Robertson against the Brooklyn Heights Railroad Company as to rate of speed of freight cars of said company on Thirty-ninth street, Brooklyn. Answer of company received. Copy sent complainant. Report dated November 21, 1905, received from the inspector of grade crossings. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Case No. 3450.)

William M. McMahon, New Utrecht Avenue Property Owners' Association and Borough Park and Blythebourne Protective Association against

the Brooklyn Heights Railroad Company as to running of express trains through New Utrecht avenue, Brooklyn, which trains do not stop at Fifty-eighth street. Report dated November 21, 1905, received from the inspector of grade crossings as to flagmen at crossings. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Case No. 3338.)

J. R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to running of cars and trains from the Staten Island ferry, between 1 and 5 a. m. Copy of complaint sent companies. Answers of companies received. Copy sent complainant Zwicky. The inspector has been instructed to make a report in this matter. (Case No. 3457.)

Applications.

There was presented to the Board a writ of certiorari which had been served on the Board by the New York Central and Hudson River Railroad Company in the matter of the People ex rel. the New York Central and Hudson River Railroad Company v. the Board of Railroad Commissioners and the Buffalo, Niagara Falls and Rochester Railway Company, the matter being one in which this Board has granted a certificate, under section 59 of the Railroad Law, to said company. The writ was turned over to the Attorney-General. (Case No. 2341.)

In the matter of the issuance by the Marcellus & Otisco Lake Railway Company of a mortgage (called by the company a purchase money mortgage) for \$300,000, the Secretary reported to the Board that Howard R. Bayne, attorney for the company, had called at the office in relation to the Board's letter to him of October 31 last, holding that the company should make application here for consent to the issue of said mortgage, Mr. Bayne still claiming that said application should not be made. Ordered letter written Mr. Bayne that the Board adheres to its position as stated in its letter of October 31. (Case No. 3471.)

A letter was received from Spencer Clinton and Tracy C. Becker, attorneys, Niagara Transfer Railway Company, asking this Board to ask the Attorney-General to join with them in appealing or endeavoring to appeal to the Court of Appeals from the decision of the Appellate Division, annulling the determination of this Board, which granted to said company a certificate, under section 59 of the Railroad Law. Ordered that the Board so request the Attorney-General. (Case No. 3114.)

In the matter of the determination of this Board, dated June 28, 1905, as to the issuance of a first mortgage for \$3,500,000 by the Buffalo, Batavia & Rochester Electric Railway Company, in which determination the discharge of the Buffalo and Williamsville Electric Railway Company mortgage for \$3,500,000 and the cancellation of \$117,500 bonds, under said Buffalo and Williamsville Electric Railway Company mortgage is treated, copies of letters written Mr. Lewis, attorney for the company, were submitted to the Board. Ordered that George L. Lewis, attorney for the company, be requested to appear before the Board, in Buffalo, on Wednesday, January 3, 1906, 3 p. m., at the Hotel Iroquois. (Cases Nos. 2989 and 3368.)

Application of the Williams Terminal Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3454.)

Application of the Syracuse and South Bay Railway Company for approval of an increase of its capital stock from one hundred and twenty thousand dollars (\$120,000) to one million dollars (\$1,000,000). Ordered hearing set for 10 a. m., Tuesday, December 19, 1905, at the New York office of the Board; notice given by telephone. (Case No. 3460.)

Application of the Syracuse and South Bay Railway Company for consent to the issue of a mortgage for one million dollars (\$1,000,000). Ordered hearing set for 10 a. m. Tuesday, December 19, 1905, at the New York office of the Board; notice given by telephone. (Case No. 3461.)

Application of the Wallula and Oswegatchie Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, January 9, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3465.)

The Genesee River Railroad Company, in its application under section 59 of the Railroad Law, filed with the Board a statement of the estimated cost of its proposed railroad. (Case No. 3435.)

Reports.

In the matter of the recommendations of this Board to the Wallkill Valley Transit Company as to the installation of derailing switches in its railroad at the North street, Middletown, grade crossing of its railroad and the Erie Railroad, a letter dated November 29, 1906, was received from the Erie Railroad Company. Ordered filed. (Case No. 3340.)

In the matter of the recommendations of this Board contained in a letter, dated September 13, 1905, to the Buffalo Southern Railway as to crossings of steam railroads by the Buffalo, Gardenville and Ebenezer Railway (now a part of the Buffalo Southern Railway), a letter, dated October 24, 1905, was received from the company. Ordered matter referred to the electrical expert for report. (Case No. 2325.)

Communications were received from companies operating Mother Hubbard locomotives, enclosing blue prints of means of communication between firemen and engineers and location of emergency brake valve in the fireman's cab. Ordered referred to inspector for report. (Case No. 2863.)

Report of the inspector and the superintendent of the grade crossing bureau, dated November 17, 1905, as to the condition of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on the river between Stony Point and West Park. Ordered copy sent company, with letter of recommendation as shown by office original letter on file. (Case No. 3452.)

In the matter of the recommendations of this Board as to the physical condition of the Richmond Light & Railroad Company's railroad, a letter, dated November 16, 1905, was received from the company as to copper troughs on its trolley wires at steam railroad crossings. Ordered letter written company as shown by copy on file. (Case No. 3241.)

In the matter of the recommendations of this Board as to the physical condition of the Staten Island Midland Railroad, a letter, dated November 16, 1905, was received from the company as to compliance with the recommendations. Ordered filed. (Case No. 3242.)

In the matter of the recommendations of this Board to the New York Central and Hudson River Railroad Company as to protection at the Depot Place grade crossing of the New York and Putnam division of said company's railroad at High Bridge station, New York city, a report, dated November 15, 1905, was received from the inspector of grade crossings. Ordered filed. Closed. (Case No. 3173.)

In the matter of the recommendations of this Board contained in a letter, dated November 21, 1905, to the Middletown, Unionville and Water Gap Railroad Company, as to the physical condition of said company's railroad in this State, a letter dated December 9, 1905, was received from the company as to compliance with the recommendations. Ordered filed. (No. 45—1905.)

In the matter of the recommendations of this Board contained in a letter, dated October 20, 1905, to the Jamestown, Chautauqua and Lake Erie Railway Company, as to the physical condition of said company's railroad, a letter, dated November 29, 1905, was received from the company stating that the recommendations had been or would be complied with. Ordered filed. In this matter a letter, dated November 16, 1905, was received from the Jamestown Street Railway Company as to compliance with the recommendations of this Board in relation to derailing switches in its railroad at a point where it crosses the Jamestown, Chautauqua and Lake Erie Railroad

at grade. Ordered letter written C. B. Jones, city clerk of Jamestown, as to gates at this crossing. (No. 41 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated June 7, 1905, to the Schoharie Valley Railway Company, as to the physical condition of its railroad, a letter, dated November 20, 1905, was received from the company as to compliance with the recommendations. Ordered filed. The superintendent of the grade crossing bureau is to make another inspection of this railroad and report as to compliance with these recommendations. (No. 3 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated October 20, 1905, to the Rutland Railroad Company, as to the physical condition of its railroad in this State, a letter, dated November 12, 1905, was received from the company stating that the recommendations would be given consideration and the work contemplated "in the ensuing year." Ordered filed. (No. 24 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated October 20, 1905, to the Little Falls and Dolgeville Railroad Company, as to the physical condition of its railroad, a letter, dated November 11, 1905, was received from the company stating that the recommendations would receive prompt attention. Ordered filed. (No. 14 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated November 15, 1905, to the Lehigh and New England Railroad Company, as to the physical condition of the railroads operated by that company in this State, a letter, dated November 28, 1905, was received from the company stating that the recommendations had been or would be complied with, except the replacing of the floating timber culvert on the Pochuck branch with a permanent structure, the company stating that repairs had been made to this bridge. Ordered filed. (No. 27 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated October 20, 1905, to the Brooklyn and Rockaway Beach Railway Company, as to the physical condition of its railroad, a letter, dated December 1, 1905, was received from the company stating that it is likely that this railroad is to be hereafter operated as an electric railroad instead of a steam railroad. Ordered filed. (No. 37 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated October 20, 1905, to the Otis Railway Company, as to the physical condition of its railway, a letter, dated November 3, 1905, was received from the company as to compliance with the recommendations. Ordered filed. The inspector is to make another report as to the physical condition of this railway before it is operated in the Spring. (No. 11 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated September 19, 1905, as to the physical condition of the Catskill and Tannersville Railway, a letter, dated December 1, 1905, was received from the company stating that the recommendations had been or would be complied with. Ordered filed. The inspector is to make another report as to the physical condition of this railway before it is operated in the Spring. (No. 10 — 1905.)

Report of the inspector, dated December 8, 1905, of his inspection of the Oswayo Valley Railroad. Ordered copy sent company. (No. 46 — 1905.)

Report of the inspector, dated December 8, 1905, of his inspection of the New York Central, Hudson River and Fort Orange Railroad. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 47 — 1905.)

Report of the inspector, dated November 9, 1905, of his inspection of the Marine Railway. Ordered copy sent company. (No. 43 — 1905.)

Report of the inspector, dated November 1, 1905, of his inspection of the portion of the Erie Railroad in this State. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 44 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated October 20, 1905, to the New York, Chicago and St. Louis Railroad

Company, as to the physical condition of its railroad in this State, the inspector made a supplementary report, dated December 11, 1905, as to bridge at Irving. Ordered recommendation of the Board as to this bridge changed in accordance with the statement in the supplementary report, and that the New York, Chicago and St. Louis and the Pennsylvania railroad companies be notified to this effect. (No. 40—1905.)

Report of the inspector of grade crossings, dated December 5, 1905, as to the physical conditions of the ties and track on the elevated railroad between the Flatbush avenue and Cumberland street stations, operated by the Brooklyn Heights Railroad Company. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Case No. 3464.)

In the matter of the recommendations of this Board to the Interborough Rapid Transit Company, growing out of a derailment of a train on the Manhattan Railway, its lessor, at Fifty-third street and Ninth avenue, September 11, 1905, letters dated October 17 and November 11, 1905, together with blue prints of plans for signals at this point, were submitted to the Board, together with reports, dated November 8 and 20, 1905, by the superintendent of the grade crossing bureau. Ordered the matter of this plan referred to the electrical expert for report. (Street Case No. 28—1905.)

Report of the inspector, dated December 5, 1905, as to a collision between freight trains of the New York Central and Hudson River Railroad Company and the Delaware, Lackawanna and Western Railroad Company at a point near Smith street, Buffalo, where the Delaware, Lackawanna and Western and the Buffalo Creek railroads cross at grade. Ordered copy sent the Buffalo Creek Railroad Company and the Delaware, Lackawanna and Western Railroad Company, with letter of recommendation as shown by office original letter on file. (Steam Case No. 34—1905.)

Report of the inspector of grade crossings, dated November 27, 1905, as to a rear collision between cars of the New York City Railway at Forty-sixth street, at 9:05 p. m., October 31, 1905. Ordered copy sent company. (Street Case No. 44—1905.)

Report of the superintendent of the grade crossing bureau, dated November 8, 1905, as to a collision at the Tibbits avenue, Delaware & Hudson crossing, Green Island, between a United Traction Company car and a Delaware & Hudson Company freight car, 5:37 a. m., October 31, 1905. Ordered copy sent companies. (Street Case No. 43—1905.)

Report of the inspector, dated December 8, 1905, as to an accident on the Erie Railroad, where a freight train was derailed and the derailed cars run into another freight train, near Wellsburg, October 13, 1905. Ordered copy sent company. (Steam Case No. 31—1905.)

Report of the superintendent of the grade crossing bureau, as to a rear collision between a passenger car and a work car of the United Traction Company at Clinton street, Green Island, October 27, 1905, 6:45 a. m. Ordered copy sent company. (Street Case No. 42—1905.)

Report of the inspector of grade crossings, dated November 20, 1905, as to a rear collision between a Marcy avenue car and a Bergen street car of the Brooklyn Heights Railroad Company at Bergen street and Vanderbilt avenue, Brooklyn, 7:12 a. m., October 20, 1905. Ordered copy sent company. (Street Case No. 37 and 38, 1905.)

Report of the inspector of grade crossings, dated November 21, 1905, as to an accident on the Brooklyn Elevated Railroad, near Thirty-seventh street and Fifth avenue, Brooklyn, 5:48 p. m., October 8, 1905, where a car caught fire. Ordered copy sent company. (Street Case No. 35—1905.)

Report of the inspector of grade crossings, dated November 17, 1905, as to a rear collision between cars of the Union Railway Company on Webster avenue at Two Hundredth street, New York city, October 14, 1905. Ordered copy sent company. (Street Case No. 36—1905.)

Report of the inspector, dated December 8, 1905, as to the derailment of a passenger train on the Erie Railroad at Falconer, November 20, 1905. Ordered copy sent company. (Steam Case No. 37—1905.)

Report of the inspector of grade crossings, dated December 4, 1905, as to a collision between an ash car and a passenger car of the Brooklyn Heights Railroad Company at Johnson avenue and Lorimer street, 8:10 p. m., November 24, 1905. Ordered copy sent company. (Street Case No. 49—1905.)

Report of the inspector, dated December 11, 1905, as to a head-on collision between a freight train and a passenger train on the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad, near Liverpool, November 7, 1905. Ordered copy sent company. (Steam Case No. 33—1905.)

Report of the inspector, dated December 11, 1905, as to the derailment at 7:08 p. m., November 19, 1905, of a Lehigh Valley Railroad freight train on the Niagara Falls branch of the New York Central and Hudson River Railroad, which derailed train was run into by a New York Central and Hudson River Railroad freight train. Ordered copies sent companies. (Steam Case No. 36—1905.)

Report of the inspector of grade crossings, dated November 20, 1905, as to a rear collision between an ash car and a passenger car of the Brooklyn Heights Railroad Company at the crossing of Fulton street and Ralph avenue, 9:45 p. m., November 14, 1905. Ordered copy sent company. (Street Case No. 48—1905.)

Report of the inspector of grade crossings, dated November 27, 1905, as to a rear collision between cars of the New York City Railway at One Hundred and Sixty-seventh street and Amsterdam avenue, 9 p. m., August 29, 1905. Ordered copy sent company. (Street Case No. 25—1905.)

Report of the inspector of grade crossings, dated November 15, 1905, as to the derailment of a car, on the New York and Queens County Railway, near Flushing, November 14, 1905. Ordered copy sent company. (Street Case No. 47—1905.)

Report of the superintendent of the grade crossing bureau, dated November 24, 1905, as to a rear collision between cars of the United Traction Company on State street, Albany, 4:21 p. m., November 14, 1905. Ordered copy sent company. (Street Case No. 45—1905.)

Report of the inspector of grade crossings, dated November 21, 1905, as to a rear collision between a Flushing-Ridgewood passenger car and an express car of the Brooklyn Heights Railroad Company, one mile west of Flushing, 7 p. m., October 21, 1905. Ordered copy sent company. (Street Case No. 39—1905.)

Crossings.

Application of the village of Attica, under section 61 of the Railroad Law, as to an extension of Pearl street in said village crossing the Erie Railroad. Ordered hearing set for Thursday, January 4, 1906, 12:30 p. m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 573.)

Application of the Delaware & Eastern Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing highways and a street in the county of Delaware. Ordered hearing set for Tuesday, December 19, 1905, 12 m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Grade Crossing Case No. 574.)

Petition of the president and trustees of the village of Waverly, under section 62 of the Railroad Law, as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad in said village to an overcrossing of the railroad. (Grade Crossing Case No. 576.) Commissioner Baker is to report in this matter.

In the matter of the construction of the Arsenal street, Watertown, overcrossing of the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad, a report, dated November 23, 1905, was received from the superintendent of the grade crossing bureau as to the completed work involved in repairing the sidewalks. Ordered said completed work approved. (Grade Crossing Case No. 173.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, and chapter 376 of the Laws of 1902, dated October 9, 1902,

and determination as to Liberty street plan, dated August 24, 1905, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, a detail plan for the masonry of the bridge at Liberty street was submitted to the Board by the New York Central and Hudson River Railroad Company, together with a report thereon, dated November 20, 1905, from the superintendent of the grade crossing bureau. Ordered approved said detail plan of masonry for the bridge. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 8, 1904, as to the closing and discontinuance of the Van Anden street grade crossing of the New York Central and Hudson River Railroad in Auburn, and the construction of new pieces of street, a copy of plan (which plan has heretofore been approved by this Board) for this work was submitted to the Board by the company for the Board's information. Ordered filed. (Grade Crossing Case No. 470.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing, a detail plan of the retaining wall (approved by this Board on October 11, 1905) along the east side of North Union street on the north side of the railroad was submitted to the Board by the company. Ordered said detail plan approved. (Grade Crossing No. 416.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing and discontinuance of the Croton and Drewsville road highway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the town of Carmel, Putnam county, at a point known as Light's crossing, and the construction of new pieces of highway and an overhead bridge crossing of said railroad, a letter, dated November 15, 1905, was received from the company asking approval of the Board of its using material it has on hand for the bridge and erecting the bridge itself. Ordered said request approved. (See minutes October 24, 1905.) (Grade Crossing Case No. 398.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of two grade crossings of the New York, Ontario and Western Railway near its Stony Ford station, and the construction of new pieces of highway and an overhead bridge crossing of said railway between the closed crossings, a statement of proposals of contractors for material for the bridge was received from the New York, Ontario and Western Railway Company in a letter, dated December 9, 1905. Ordered approved the bid of the McClintic-Marshall Construction Company, viz., 3.9 cents per pound f. o. b. N. Y., O. & W. Ry. The estimated weight of the bridge is 33,000 pounds; the company is to erect the bridge itself. (Grade Crossing Case No. 442.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, that the Caskey's grade crossing of the Erie Railroad in the town of Deer Park, Orange county, should be closed and discontinued and new pieces of highway and an undercrossing of said railroad constructed, in which matter this Board approved on November 10, 1905, detail plan, specifications and estimate of expense for this work, the company being notified by the Board that a railing should be provided on the Sparrowbush side of the tracks, a letter dated November 22, 1905, was received from the company asking the Board to indicate on plan the approximate location and kind of railing to be constructed. Ordered that said information be furnished the company. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing, a blue print of a change in the plan heretofore approved by this Board, the change being the abandonment of work along Augusta street at an estimated reduction of the cost of the entire work of

\$1,039.05, was submitted to the Board by the company. Ordered said change of plan approved. (Grade Crossing Case No. 416.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of the East Fourth street grade crossing and the Schuyler street grade crossing of the railroad operated by the New York Central and Hudson River Railroad Company and of the railroad of the New York, Ontario and Western Railway Company in the city of Oswego, and the construction of a new street from East Fourth street to Schuyler street and the construction of an undercrossing of said railroads at the point where East Seventh street and Schuyler street intersect in said city, detail plans, specifications and estimate of expense for this work were submitted to the Board by the New York, Ontario and Western Railway Company, together with reports thereon, dated November 20 and 27, 1905, from the superintendent of the grade crossing bureau. Ordered approved said detail plans, specifications and estimate (the estimate being \$45,366.90, including land and damage). (Grade Crossing Case No. 527.)

Orders.

Application of the Ticonderoga Union Terminal Railroad Company (street surface) for a certificate, under section 59 of the Railroad Law. Refused. (Case No. 3395.)

Application of the Genesee River Railroad Company (steam) for a certificate, under section 59 of the Railroad Law. Granted. (Case No. 3435.)

Application of the Rutland Railroad Company, under section 34 of the Railroad Law, for consent of this Board to the discontinuance of the station on said railroad at West Lebanon, it being proposed that another station be established and maintained at a point known as Adams Crossing. Granted. (Case No. 3367.)

Application of the Bronx, Yonkers and White Plains Railway Company for a certificate, under section 59 of the Railroad Law. Dismissed without an order, owing to defective articles of association, the acknowledgments of some of the incorporators being taken by another incorporator. (Case No. 3319.)

Application of the Terminal Railway of Buffalo and the Lehigh Valley Railroad Company (joined-one petition), under section 60 of the Railroad Law, for a determination of the manner in which a connecting track between the railroad of the Terminal Railway of Buffalo and the railroad of the Lehigh Valley Railroad Company known as its Depew & Tonawanda branch, shall cross a highway in the village of Depew known as the Ellicott road. Determination that said crossing shall be above the grade of the Ellicott road highway. (Grade Crossing Case No. 560.)

The Board adjourned.

NEW YORK, DECEMBER 19, 1905.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Syracuse and South Bay Railway Company for approval of an increase of its capital stock from one hundred and twenty thousand dollars (\$120,000) to one million dollars (\$1,000,000). King, Waters & Page (Mr. Waters and Mr. Page appearing) and Charles A. Collin for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3460.)

Application of the Syracuse and South Bay Railway Company for consent to the issue of a mortgage for one million dollars (\$1,000,000). King,

Waters & Page (Mr. Waters and Mr. Page appearing) and Charles A. Collin for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3461.)

Application of the Auburn and Syracuse Electric Railroad Company, under section 68 of the Railroad Law, for a determination as to whether its railroad (single track—street surface) shall cross the Lehigh Valley Railroad (steam—three tracks) at West Genesee street in the city of Auburn above, below or at the grade of said steam railroad, the petition asking that the crossing may be made at grade, and asking this Board to fix the proportion of expense of such crossing which shall be paid by each railroad company. William Nottingham for the applicant; J. F. Schaperkotter and F. B. Taber for the Lehigh Valley Railroad Company and the Lehigh and New York Railroad Company. After hearing arguments the hearing was closed. The companies have agreed on a crossing at grade at this point, and are to file a copy of the agreement with this Board. Mr. Nottingham stated that he would submit this agreement to the Board at the meeting in Buffalo on January 3, 1906. (Case No. 3405.)

Application of the Auburn and Northern Electric Railroad Company, under section 68 of the Railroad Law, for a determination as to whether its railroad (single track—street surface) shall cross the Lehigh Valley Railroad (steam—single track) at State street in the city of Auburn, above, below or at the grade of said steam railroad, the petition asking that the crossing may be made at grade, and asking this Board to fix the proportion of expense of such crossing which shall be borne by each railroad company. William Nottingham for the applicant; J. F. Schaperkotter and F. B. Taber for the Lehigh Valley Railroad Company and the Lehigh and New York Railroad Company. After hearing arguments the hearing was closed. An agreement as to this crossing between the companies is to be filed with the Board, the agreement providing that the electric railroad crossing shall be an undercrossing. Mr. Nottingham stated that he would submit this agreement to the Board at the meeting in Buffalo on January 3, 1906. (Case No. 3406.)

Adjourned hearing in the matter of the application of the Elmira, Corning and Waverly Railway for a certificate, under section 59 of the Railroad Law. Thomas O'Connor, C. A. Collin and A. C. Wade for the applicant; A. C. Wade for the Waverly, Sayre and Athens Traction Company, in favor of the application; Boyd McDowell and Theodore R. Tuthill for the Chemung Valley Traction Company, in opposition; Ross M. Lovell for the Erie Railroad Company and the Delaware, Lackawanna and Western Railroad Company—in opposition for the Erie Railroad Company. Without the taking of evidence or hearing of arguments the hearing was adjourned by consent of counsel until Wednesday, January 10, 1906, 10 a. m., at the office of the Board in Albany, at which time the Erie Railroad Company is to present evidence in opposition. (Case No. 3412.)

Complaints.

J. R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to running of cars and trains from the Staten Island ferry between 1 and 5 a. m. A report, dated December 16, 1905, was received from the inspector. Referred to Commissioner Rockwell who is to make a report. (Case No. 3457.)

Applications.

Application of the Glenfield and Western Railroad Company, under section 65 of the Railroad Law, for permission to cease the operation of its railroad from January 15, 1906, to April 15, 1906. Granted from January 29 to April 15, 1906. (Case No. 3469.)

Hearings.

Application of the Delaware and Eastern Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing highways and a street in the county of Delaware. Edward J. Welch for the applicant. Without the taking of evidence or hearing of arguments the hearing was adjourned until Tuesday, January 9, 1906, 10 a. m., at the office of the Board in Albany. In this matter there was filed with the Board a protest against grade crossings in the town of Hancock from the town board and highway commissioners. There was also filed with the Board a statement from the town board of the town of Andes as to how the crossings in said town should be made. (Grade Crossing Case No. 574.)

Orders.

Application of the Syracuse and South Bay Railway Company for approval of an increase of its capital stock from one hundred and twenty thousand dollars (\$120,000) to one million dollars (\$1,000,000). Granted. (Case No. 3460.)

Application of the Syracuse and South Bay Railway Company for consent to the issue of a mortgage for one million dollars (\$1,000,000). Granted, as shown by office original determination on file, on condition that but seven hundred and fifty thousand dollars (\$750,000) bonds shall be issued under said mortgage under this consent and on condition that before the remaining two hundred and fifty thousand dollars (\$250,000) bonds or any part thereof under said mortgage shall be issued, application shall be made to this Board and consent granted by this Board to the issue of said remaining two hundred and fifty thousand dollars (\$250,000) bonds or any part thereof under said mortgage. (Case No. 3461.)

Application of the Glenfield and Western Railroad Company, under section 55 of the Railroad Law, for permission to cease the operation of its railroad from January 15, 1906, to April 15, 1906. Granted from January 29 to April 15, 1906. (Case No. 3469.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Application of the Erie Railroad Company for approval of an increase of the common stock of said company from one hundred and thirty-three million dollars (\$133,000,000) to one hundred and fifty-three million dollars (\$153,000,000). George F. Brownell for the applicant. The application is for the cancellation of an order of this Board of November 14, 1905, approving of a similar increase of the stock of said company, the purpose for which the said increase approved on said date was to be used having been changed; and this application is for approval of the said increase for the general purposes of the company. After hearing arguments this application was granted and the order of November 14, 1905, canceled. (Case No. 3453.)

Adjourned hearing in the matter of the petition of the mayor and common council of the city of Yonkers and the New York Central and Hudson River Railroad Company, joined, under section 62 of the Railroad Law, as to changing certain grade crossings in Yonkers of said company's railroad from grade. C. C. Paulding, for the New York Central and Hudson River Railroad Company; Francis A. Winslow for the city of Yonkers; Ludlow & Townsend (Mr. Ludlow appearing) for James B. Ludlow as one of the executors and trustees of the last will and testament of Thomas W. Ludlow, Jr., deceased, and especially for the purpose of objecting to the jurisdiction for Jacob F. Miller, the other surviving executor and trustee of the same will and testament, also for executors and trustees of the last will and testa-

ment of Henry M. Schieffelin, deceased, also for the Pure Oil Company at the request of Mr. Murphy, also for Henry S. Ford and Mary G. Hays, property owners. A Mr. Kellogg who appeared stated that Augustus N. Hand who appeared on November 22 for Annie Ludlow Winters and as counsel for Mr. Townsend had requested Mr. Ludlow to look after his interests to-day. Lavina Lally for herself, Catherine M. Lally and Emelie Lally. K. H. Southwick, alderman, in person and for Mr. Day and Mr. Dean; Fremont Wilson, a property owner in person. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed, to be held in New York city. Miss Lally is to file a brief in this case. (Grade Crossing Case No. 533.)

Orders.

Application (made this day) of the Erie Railroad Company for approval of an increase of the common stock of said company from one hundred and thirty-three million dollars (\$133,000,000) to one hundred and fifty-three million dollars (\$153,000,000). Granted, and an order of this Board, dated November 14, 1905, in an application of said company for a similar increase for other purposes than this one was ordered canceled. (Case No. 3453.)

The Board adjourned.

NEW YORK, DECEMBER 20, 1905.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

The matter of collision between a New York, New Haven and Hartford Railroad Company train and a New York Central and Hudson River Railroad Company train on the Fourth avenue viaduct, New York city, on December 19, was investigated by the Board. (Steam Case No. 41 — 1905.)

The Board adjourned.

NEW YORK, DECEMBER 21, 1905.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

The Board considered and ordered issued its conclusions in the matter of collision between a New York, New Haven and Hartford Railroad Company train and a New York Central and Hudson River Railroad Company train on the Fourth avenue viaduct, New York city, on December 19. (Steam case No. 41 — 1905.)

The Board adjourned.

BUFFALO, JANUARY 2, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell.

The Board considered and adopted the annual report.

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Com-

pany, in Schenectady, from grade to undercrossings, blue print plans for the new bridge over the canal at Union street, Schenectady, on which the State Superintendent of Public Works has an indorsement, also specifications for this bridge, were submitted to the Board by the New York Central and Hudson River Railroad Company, together with a report thereon, dated December 30, 1905, from the superintendent of the grade crossing bureau. Ordered said plans and specifications approved. The detail plans showing the changes demanded by the State Superintendent of Public Works will be submitted to the Board hereafter. Proposals of contractors for this bridge were also submitted to the Board by the company together with a report thereon, dated December 30, 1905, from the superintendent of the grade crossing bureau. Ordered approved, the proposal of the McClintic-Marshall Construction Company, namely, \$29,250 for this bridge. This proposal does not include the masonry but is for the bridge alone; the masonry cost is included in the general proposal of D. D. Streeter for the substructural work. See minutes of December 21, 1904. This approval of said plans takes the place of the plan for the bridge over the canal at Union street approved on said minutes. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing of the railroad and the closing of the east end of Davis street where it joined North Union street, a plan for the bridge to carry the Heacock & West coal trestle over the undercrossing and proposals of contractors for said bridge were submitted to the Board by the company, together with a report thereon, dated December 22, 1905, from the superintendent of the grade crossing bureau. Ordered approved said plan and the proposal of the McClintic-Marshall Construction Company, unit price, namely, \$0.0324 per pound, the estimated total of said proposal being \$3,175.20. (Grade Crossing Case No. 416.)

The Board adjourned.

BUFFALO, JANUARY 3, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Sheehan & Hatch (Edward W. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, and for property owners, in opposition; Bissell, Carey & Cooke (Mr. Carey and Mr. Cooke appearing) for the Lehigh Valley Railroad Company, the Lehigh Valley Railway Company and the Buffalo, Thousand Islands and Portland Railroad Company, in opposition; John S. Rockwell, generally, for the Buffalo, Rochester and Pittsburgh Railway Company; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company; Moot, Sprague, Brownell & Marcy (Mr. Wheeler appearing) for the Erie Railroad Company, in opposition; Rogers, Locke & Babcock (Mr. Locke appearing) for the Delaware, Lackawanna and Western Railroad Company; Lockwood, Hoyt & Green (Mr. Hoyt appearing) for the Lake Shore and Michigan Southern Railway Company, in opposition; Frank Rumsey for the Pennsylvania Railroad Company. After hearing evidence and arguments a recess in this matter was taken until 2:30 p. m. (Case No. 3082.)

In the matter of a crossing at grade by the Delaware, Lackawanna and Western Railroad of the Buffalo Creek Railroad, the Pennsylvania Railroad and the New York, Chicago and St. Louis Railroad at the junction near

Smith street, Buffalo, Mr. Locke for the Delaware, Lackawanna and Western Railroad Company appeared before the Board and stated that the companies named had practically agreed as to the elimination of this grade crossing of these railroads, stating that another meeting in the matter was to be held by the companies on the 31st inst. The hearing was adjourned until some date after the 31st inst. It may be that if an agreement is reached there will be no further hearing in this matter. (No. 9 — 1903, and No. 29 — 1905.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the matter of the petition of the president and trustees of the village of Westfield, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing of said railroad. H. L. Munson for the petitioner; Rogers, Locke & Babcock (Mr. Locke and Mr. Babcock appearing) for the New York, Chicago and St. Louis Railroad Company; William E. Hoyt for the Lake Shore and Michigan Southern Railway Company; Jerome B. Fisher for the Chautauqua Traction Company; A. M. Tennant; James Taylor; W. F. Groat; David K. Falvey; W. A. Cochrane also appeared. After hearing evidence and arguments the hearing was adjourned until Thursday, January 4, 1906, 1:30 p. m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 565.)

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments the hearing was adjourned until Thursday, January 4, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

In the matter of the complaint of H. J. Welcher against the Newark and Marion Railway Company as to said company carrying freight and passengers on its railroad by steam power, in which a hearing was to have been held to-day, the hearing was not held, complainant having withdrawn the complaint. Closed. (Case No. 3447.)

In the matter of a mortgage of the Buffalo and Williamsville Electric Railway Company and a mortgage of the Buffalo, Batavia and Rochester Electric Railway Company, in which Mr. George L. Lewis, the attorney for the applicants, was to have appeared before this Board to-day, Mr. Lewis did not appear, but will appear before the Board on January 10, 1906, in Albany. (Cases Nos. 2989 and 3368.)

The Board adjourned.

BUFFALO, JANUARY 4, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Appearances as yesterday. After hearing evidence and arguments a recess in this matter was taken until 2:30 p. m.

Application of the village of Attica, under section 61 of the Railroad Law, for a determination as to whether an extension of Pearl street in said village shall cross the Erie Railroad over, under or at the grade of said

railroad. W. E. Hopkins for the applicant; Moot, Sprague, Brownell & Marcy (Mr. Wheeler appearing) for the Erie Railroad Company, in opposition. Without the hearing of evidence the hearing was adjourned to a date to be thereafter fixed, because it appeared that the Erie Railroad Company has appealed to the courts from the determination of the village laying out the street. (Grade Crossing Case No. 573.)

The Board took a recess until 1:30 p. m.

— AFTER RECESS — 1:30 P. M. —

The Board again met. Present, Commissioners Dunn, Baker and Dickey.

Hearings.

Adjourned hearing in the matter of the petition of the president and trustees of the village of Westfield, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing of said railroad. Appearances as yesterday. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 566.)

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments the hearing was adjourned until Wednesday, January 17, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

The Board adjourned.

ALBANY, JANUARY 9, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of December 12, 13, 19, 20 and 21, 1905, and January 2, 3 and 4, 1906, were read and approved.

Hearings.

Adjourned hearing in the matter of the application of the Delaware and Eastern Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing highways and a street in the county of Delaware. Edward J. Welch for the applicant. After hearing evidence and arguments the evidence was closed, except that in the matter of crossing No. 1 in the town of Hancock, the highway known as the River road leading from East Branch to Harvard, near a sawmill, in which the town board has asked that the highway be carried under the railroad, the question of how this crossing should be made was left open pending a conference between representatives of the company and the town authorities, information as to the result of which is to be filed with this Board. If an agreement between the town authorities and the company is not reached there will be a further hearing in relation to this crossing. Therefore, the entire matter of this petition is held open. (Grade Crossing Case No. 574.)

Application of the Wallula and Oswegatchie Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Cushing & Cushing for the applicant; W. P. Rudd for the New York Central and Hudson River Railroad Company, in opposition. After hearing evidence and arguments the applicant closed its case, except the filing of certain petitions from residents of the vicinity of the proposed railroad in favor of the application, a copy of which petitions is to be served on Mr. Rudd. The hearing was adjourned to a date to be hereafter fixed, when the Board is notified by Mr. Rudd that he is prepared to go on with the opposition. (Case No. 3465.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Petition of the Central New England Railway Company, under section 62 of the Railroad Law, as to the closing and discontinuance of a grade crossing of said company's railway by a highway in the town of Pleasant Valley, Dutchess county, at a point immediately east of the Pleasant Valley station of said railway company and the construction of a new piece of highway north of said company's railway from the said first named highway to a highway known as the Poughkeepsie road which now crosses said railway at grade west of said station—it may be that an existing driveway between these roads is a highway, and if it is it will not be necessary to build a new piece of highway. William Greenough for the petitioner; H. C. Barker for George W. Doty, a property owner, in opposition; C. J. Drake for the town of Pleasant Valley, in opposition. After hearing evidence and arguments the evidence was closed, but the matter was held open. This hearing was on a second petition filed in this matter. The hearing on the first petition, which is closed, was held in New York on November 15, 1905. (Grade Crossing Case No. 557.)

Complaints.

A letter dated December 27, 1905, was received from Goodwin Brown, president of the Yonkers Board of Health, in relation to the heating of cars on the Manhattan Railway division of the Interborough Rapid Transit Company in the city of New York. Ordered that the inspector of grade crossings make a report in this matter. (Case No. 3483.)

In the matter of the complaint of W. H. Harrison, of Lebanon Springs, against the Rutland Railroad Company as to condition of fence of that company along his farm, a letter dated January 6, 1906, was received from complainant stating that the fence had been constructed. Ordered filed. This case was closed on the minutes of December 13, 1905, and is not re-opened. (Case No. 3440.)

A letter dated November 22, 1905, was received from W. D. Howe in regard to style of cars and motors to be used at the Grand Central Railroad terminal. Ordered filed.

J. R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to running of cars and trains from the Staten Island ferry between 1 and 5 a. m. Report dated December 16, 1905, received from the inspector. Order filed. A report in this matter dated December 30, 1905, was received from Commissioner Rockwell.

A letter dated December 27, 1905, on this subject was received from the president of the Borough of Richmond. Ordered filed. (Case No. 3457.)

C. E. Baillien and others, of Florida, Orange county, against the Erie Railroad Company as to furnishing freight cars for shipments at that station and as to delay in shipments. Copy sent company. (Case No. 3481.)

Grace H. Rover against the Brooklyn Heights Railroad Company as to alleged lack of shelter station for passengers at Church and Rockaway avenues, Brooklyn. Answer of company received. Copy sent complainant. Report dated January 5, 1906, received from inspector of grade crossings. Ordered copy of report sent company, with letter of recommendation as shown by office original letter on file. (Case No. 3470.)

Michael Thornton, of Lebanon Springs, against the Rutland Railroad Company as to lack of fence of said company along his land. Copy sent company. (Case No. 3472.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Report dated December 14, 1905, received from the inspector of grade crossings. Ordered copy sent company, with letter of recommendation as shown by office

original letter on file. Letter dated December 26, 1905, received from complainant. Ordered copy of said report be sent to complainant with copy of letter of recommendation to the company. (Case No. 3222.)

Citizens' Improvement League of Kensington, Parkville and vicinity of Brooklyn against the Brooklyn Heights Railroad Company as to service rendered the public. Copy sent company. Answer of company received. Copy sent complainant. The inspector of grade crossings has been instructed to make a report in this matter. (Case No. 3476.)

L. Lilienthal complained as to service rendered the public by street surface and elevated railroad lines in the Boroughs of Manhattan and the Bronx, New York city. Ordered referred to Commissioners Baker and Rockwell, who are to report generally on the service of the Union Railway in the Borough of the Bronx. (Case No. 3478.)

Caleb Bentley against the Rütland Railroad Company as to lack of farm crossing on his farm near Berlin. Letter dated December 26, 1905, received from complainant. Ordered letter written company as shown by, copy on file. (Case No. 3436.)

Residents of Sherman Park against the New York Central and Hudson River Railroad Company asking that a station building be constructed at that point which is on the New York and Harlem division. A letter dated December 15, 1905, was received from the complainants that the station has not been erected. Order filed. (Case No. 3393.)

S. W. Turner against the Interborough Rapid Transit Company as to conditions at the station of the Manhattan Railway division at One Hundred and Sixteenth street and Eighth avenue. Ordered referred to Commissioner Rockwell for report. This case was closed on October 10, 1905, and is now reopened. (Case No. 3275.)

Board of Public Works of the city of Corning against the New York Central and Hudson River Railroad Company and the Corning and Painted Post Street Railway Company as to condition of bridge over the Pennsylvania division of the first named company's railroad in Corning at State street, which bridge is used by cars of the last named company's railroad. Report dated January 9, 1906, received from the superintendent of the grade crossing bureau. Ordered filed. Closed. (Case No. 3444.)

James W. Colt against the Erie Railroad Company as to alleged failure of the company to furnish complainant at Genesee with cars for shipment of hay. Copy sent company. (Case No. 3475.)

A report dated December 13, 1905, was received from the inspector of grade crossings stating that he had called on Mr. I. S. Remsen of Brooklyn and was informed by him that so far as he knows there is no complaint against the service of the Brooklyn Heights Railroad Company in his section of the city. Ordered filed. (Case No. 2796.)

Applications.

Application of the Lake Erie Traction Company to be relieved from making certain quarterly reports for reason stated in the letter of application from the company dated the 6th inst. Ordered that the company be relieved from making such quarterly reports to and including the period ending June 30, 1905.

In the matter of the determination of this Board dated December 13, 1905, refusing the application of the Ticonderoga Union Terminal Railroad Company for a certificate under section 59 of the Railroad Law, a copy of exceptions by said company to said refusal was served on the Board and a writ of certiorari in said matter was served on the Board, the writ being turned over to the Attorney-General. (Case No. 3395.)

A letter dated December 22, 1905, was received from the Central Federation of Labor of Albany and vicinity containing a copy of a resolution of said body requesting that this Board in appointing a person for the position of locomotive boiler inspector should appoint a union boiler maker from the eligible civil service list. Ordered filed.

In the matter of the determination of this Board, under section 55 of the Railroad Law, dated December 19, 1905, as to cessation of operation of the railroad of the Glenfield and Western Railroad Company during the winter of 1906, an affidavit was received from the company of the posting of the notices of such suspension at stations. Ordered filed. There is no newspaper published in any of the towns through which the railroad runs and in which this notice could be published. (Case No. 3469.)

Reports.

A letter dated January 6, 1906, was received from the Inspector of grade crossings as to the explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905. Ordered letter written Erie Railroad Company as to whether any such conditions exist in relation to locomotives of companies operating in this State. There is on file with the Board a report of inspection of the locomotive boiler of this engine. (Steam Case No. 46 — 1905.)

In the matter of the accidental death of Michael F. Judge, a trainman on The Delaware and Hudson Company's railroad, at East Windsor, correspondence from John Linney and The Delaware and Hudson Company were submitted to the Board. Ordered filed. (Steam Case No. 45 — 1905.)

A letter dated December 29, 1905, was received from Bert L. Jones, general manager of the Niagara Gorge Railroad Company, in relation to recommendations of the Board as to physical condition of said company's railroad. Ordered letter written Mr. Jones as shown by copy on file. (Case No. 2279.)

A letter was received from Mrs. H. C. Bornheim, New York city, in relation to accidents on railroads. Ordered filed.

In the matter of the recommendations of this Board contained in a letter dated October 20, 1905, to the Lehigh and New England Railroad Company as to the physical condition of said company's railroad a report dated December 30, 1905, was received from the inspector as to the floating timber culvert on the Pochuck branch near Glenwood Junction. Ordered copy sent company. (No. 27 — 1905.)

In the matter of the recommendations of this Board contained in a letter dated December 18, 1905, to the New York Central, Hudson River and Fort Orange Railroad Company as to the physical condition of said company's railroad a letter dated December 8, 1905, was received from the company stating that the recommendations have been complied with. Ordered filed. (No. 47 — 1905.)

In the matter of the recommendations of this Board contained in a letter dated September 13, 1905, to the Buffalo Southern Railway as to crossings of steam railroads by the Buffalo, Gardenville and Ebenezer Railway (now a part of the Buffalo Southern Railway) a report dated December 27, 1905, was received from the inspector of grade crossings. Ordered letter written to the company that the recommendations must be complied with. (Case No. 2325.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated June 30, 1903, as to the Union Railway (street surface) crossing at grade the Port Morris branch of the New York Central and Hudson River Railroad Company (steam) on St. Ann's avenue, near One Hundred and Forty-ninth street, Borough of the Bronx, New York city, a report dated December 11, 1905, was received from the inspector of grade crossings to the effect that this crossing has not been made at grade and the steam railroad is depressing its tracks at this point. Ordered filed. (Case No. 2920.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated December 2, 1903, as to the railroad of the New York and Long Island Traction Company (street surface) crossing the Long Island Railroad (steam) at several points, a report dated December 9, 1905, was received from the inspector of grade crossings to the effect that the overhead crossing by the street railroad of the steam railroad at Mineola has not yet been made. Ordered filed. (Case No. 2981.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated November 6, 1903, as to a second track of the Utica and Mohawk Valley Railway Company (street surface) crossing at grade the Delaware, Lackawanna and Western Railroad (steam) on Genesee street, New Hartford, a report dated December 22, 1905, was received from the inspector of grade crossings to the effect that this second track has not yet been laid. Ordered filed. (Case No. 3010.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated May 2, 1902, as to the Schenectady Street Railway crossing the New York Central and Hudson River Railroad (steam) in an undercrossing between Albany and Schenectady, a report dated December 28, 1905, was received from the inspector of grade crossings to the effect that the street railway crosses the steam railroad in the undercrossing. Ordered filed. (Case No. 2673.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated February 5, 1903, as to the Oneida Railway (street surface) crossing the West Shore Railroad (steam—leased to and operated by the New York Central and Hudson River Railroad Company) in an undercrossing in Lenox avenue, Oneida, a report dated December 27, 1905, was received from the inspector of grade crossings that the street railway does not cross the steam railroad in the undercrossing. Ordered filed. (Case No. 2782.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated November 12, 1904, as to the Warren and Jamestown Street Railway crossing the Dunkirk, Allegheny Valley and Pittsburgh Railroad (steam—operated by the Lake Shore and Michigan Southern Railway) in an undercrossing near Frewsburg Station, a report dated December 19, 1905, was received from the inspector of grade crossings to the effect that the street railway crosses the steam railroad in the undercrossing. Ordered filed. (Case No. 3246.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated June 20, 1905, as to the Long Island Electric Railway (street surface) crossing at grade temporarily the Long Island Railroad (steam) in the Jamaica and Hempstead Turnpike near Queens, a report dated December 9, 1905, was received from the inspector of grade crossings to the effect that derrails have not been installed in the street railroad track and metal trough has not been constructed on the trolley wire of the street railroad at this crossing. Ordered letter written company on the subject. (Case No. 3303.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated November 30, 1904, as to the railroad of the New York and Long Island Traction Company (street surface) crossing at grade the Long Island Railroad (steam) at the intersection of Ocean avenue and Rockaway Plank Road, Borough of Queens (as well as the street railroad crossing the railway of the Jamaica and South Shore Railway Company—steam—at another point), a report dated December 9, 1905, was received from the inspector of grade crossings stating that the crossing at Ocean avenue and Rockaway Plank Road has been made and is safeguarded as determined by this Board. Ordered filed. (Case No. 3087.)

Bills Approved.

The following bills were approved:

General Expenses.

George W. Dunn (expenses).....	\$230 00
J. S. Kennedy (expenses).....	39 90
J. D. Shultz (expenses).....	47 55
Karl F. Colson (expenses).....	20 50
American Express Company (December).....	16 74
National Express Company (December).....	18 85

Western Union Telegraph Company (November)....	8 39
Postal Telegraph-Cable Company (December).....	34 57
Hudson River Telephone Company (December).....	13 17
O. E. Argersinger, P. M. (P. O. Box rent).....	4 00
McClellan's Typewriter Supply Agency.....	28 95
Underwood Typewriter Company.....	80 00
The Smith Premier Typewriter Company.....	5 45
Brandow Printing Company.....	23 82
Hudson Valley Paper Company.....	4 90
William McNeilly (postage stamps).....	100 00
Great Bear Spring Company (December).....	3 00
"Klips," E. C. Cuyler, Secretary-Treasurer, (December)	25 00
Valentine Mangin.....	2 50
A. M. Michael.....	3 50
F. D. Sargent.....	7 00
Lang Stamp Works.....	3 65
W. M. Whitney & Company.....	16 95
Fraser & Kelly.....	1 50
N. A. Plumstead (steno. services).....	5 00
H. C. Keyes (steno. services, New York city, December)	125 00
Battery Place Realty Co. (New York city—January rent)	150 00
George A. Traver, Supt. (New York city).....	2 60
New York Telephone Company (New York city).....	24 80
	<hr/>
	\$1,047 29

Grade Crossing Expenses.

A. H. Sutermeister (expenses).....	\$34 10
James E. Brazee (expenses).....	80 50
F. E. Colwell & Company.....	1 60
	<hr/>
	\$116 20

The Board adjourned.

ALBANY, JANUARY 10, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Aldridge.

Complaints.

Edward C. Buchenau against the Erie Railroad Company as to operation of passenger train from New City about 6:20 a. m. This is a new complaint to the effect that a train which had been put in service was taken off. Answer of company to the new complaint received. Copy sent complainant, and case again closed. (Case No. 3342.)

Mary R. Campbell, secretary, Women's Municipal League, Borough of the Bronx, New York city, Kingsbridge branch, against the New York City Railway Company as to the establishment of a shelter station on its railway at Two Hundred and Twenty-first street and Broadway. Letter dated December 30, 1905, received from the company stating that provision had been made for a temporary shelter station for waiting passengers at the point in question; letter dated January 4, 1906, received from complainant stating that said shelter station had been established. Ordered filed. Closed. (Case No. 3426.)

Woodlawn Taxpayers' Association of New York city against the Union Railway Company as to passengers from West Mount Vernon being com-

pelled to change cars at the point where the Bronx Park station of the elevated railroad is located and as to passengers from Yonkers being compelled to change cars at the point where the Pelham avenue station of the elevated railroad is located, in the Borough of the Bronx, New York city. Reports dated December 15, 1905, and January 8, 1906, were received from the inspector of grade crossings. Ordered filed. Commissioner Rockwell is to make a report of the general conditions of operation of the Union Railway. (Case No. 3434.)

W. B. Van Alstyne against the Albany and Hudson Railroad Company as to said company not giving receipts for milk shipped at Kinderhook. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered carried on file. (Case No. 3462.)

George J. Beyer against the Brooklyn Heights Railroad Company as to operation of its railroad. Answer of company received. Copy sent complainant. Ordered that the inspector of grade crossings make a report in this matter. (Case No. 3466.)

N. E. Hutchens and supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to operation of cars in Monroe county. Letter dated December 20, 1905, received from the clerk of the board of supervisors. The electrical expert has been instructed to make a report in this matter. This case was closed on the minutes of December 13, 1905, and is now re-opened. (Case No. 3458.)

J. K. Hotaling against the Syracuse and Suburban Railroad Company as to conditions in operation of a spur of said railroad from Orrville. Closed. (Case No. 3430.)

Applications.

Application of the New York Central and Hudson River Railroad Company and the Spuyten Duyvil and Port Morris Railroad Company, its lessor, under section 34 of the Railroad Law, for consent to the discontinuance of the Kingsbridge station on the lessor railroad at its present location, it being proposed that it shall be moved to a new location on a new cut-off line under construction. Ordered hearing set for Tuesday, January 30, 1906, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3474.)

Application of the Union Traction Company for approval of petition to the Supreme Court for leave to change the name of said company to the Batavia, Medina and Ontario Railway Company. Ordered hearing set for Tuesday, January 23, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3468.)

Application of the Lyons and Sodus Bay Railway Company for a certificate under section 59 of the Railroad Law. Closed, the applicant not having proceeded in the matter. The application may be re-opened upon request of the applicant. (Case No. 2502.)

Application of the Elm Street Connecting Railway Company for a certificate under section 59 of the Railroad Law. Closed, the applicant not having proceeded in the matter. The application may be re-opened upon request of the applicant. (Case No. 2281.)

Application of the New York and Stamford Railway Company for a certificate under section 59 of the Railroad Law. Closed, the applicant not having proceeded in the matter. The application may be re-opened upon request of the applicant. (Case No. 2879.)

Application of the Vermont and Whitehall Railway Company for a certificate under section 59 of the Railroad Law. Closed, the applicant not having proceeded in the matter. The application may be re-opened upon request of the applicant. (Case No. 2856.)

Reports.

In the matter of means of communication between firemen and engineers and location of emergency brake valve in the fireman's cab on *Mother Hubbard*

locomotive, a report dated December 30, 1905, was received from the inspector as to the means of communication and location of the emergency brake valve in the fireman's cab. Ordered filed. This case was closed on the minutes of June 9, 1903, and is again closed. (Case No. 2863.)

Hearings.

Adjourned hearing in the matter of the application of the Elmira, Corning and Waverly Railway for a certificate under section 59 of the Railroad Law. Thomas O'Connor and A. C. Wade for the applicant; Mr. Wade also appeared for the Waverly, Sayre and Athens Traction Company in favor of the application; Boyd McDowell and Theodore R. Tuthill for the Chemung Valley Traction Company, in opposition; John B. Stanchfield for the Erie Railroad Company, in opposition; Seymour Lowman for the village of Wellsburg, town of Chemung, town of Ashland and town of Southport, in opposition; Edgar Sebring for the highway commissioner of the town of Barton, in opposition. Mr. Stanchfield offered in evidence testimony in the prior application of the Elmira and Corning Short Line application for a certificate under section 59 of the Railroad Law, and closed his case. The evidence was closed. The Board in executive session heard testimony as to the *bona fides* of the enterprise and the ability of the projectors to build the proposed railroad. (Case No. 3412.)

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the changing of the Peek and Nott streets grade crossings of the Troy and Schenectady branch of said company's railroad in the city of Schenectady, from grade to undercrossings of the railroad, and as to necessary modifications at Fonda and Center streets. George H. Walker for the applicant; Austin A. Yates for the city; Louis M. King for property owners; John D. Miller for property owners; Daniel Naylor, Jr., for Nicholas Naverette, John E. O'Brien, Patrick Carey, C. H. Cramer, Charles E. Scott and Daniel Naylor, Jr.; T. L. Randall for Mrs. Hannah Schell; J. M. Zeiser for Nola Zeiser; D. B. Lodge for John Lodge; Miller & Golden for Julius M. Zeiser and Mary H. Thompson, property owners; Miss Abby Clark for the Patrick Clark Estate; Philip Ernst appeared as a property owner; M. Ketchener for himself; Christopher Grubala appeared as a property owner; Joseph Smith for himself; Caroline S. Knowlton appeared as a property owner. After hearing evidence and arguments the hearing was adjourned until Tuesday, January 23, 1906, 10 a. m., at the office of the Board in Albany. (Grade Crossing Case, No. 477.)

Applications.

In the matter of the determination of this Board, dated December 13, 1905, in the application of the Rutland Railroad Company, under section 34 of the Railroad Law, for consent of this Board to the discontinuance of the station of said railroad at West Lebanon, a new station to be established and maintained at a point known as Adams crossing, a letter dated January 2, 1906, was received from the company as to the establishment of "a temporary structure at Adams crossing, such as a car, fitted up with an office and waiting room, or something to take the place thereof." Ordered letter written company that this temporary structure as outlined will be a compliance with the determination of the Board, temporarily. (Case No. 3387.)

Application of the Auburn and Syracuse Electric Railroad Company for approval of an increase of its capital stock from one million five hundred thousand dollars (\$1,500,000) to two million dollars (\$2,000,000). Ordered hearing set for Wednesday, January 17, 1906, 12:30 p. m., at the Hotel Iroquois, Buffalo. (Case No. 3480.)

The matter of the issuance by the Marcellus and Otisco Lake Railway Company of a mortgage (called by the company a purchase money mortgage) for three hundred thousand dollars (\$300,000), in which the last letter

to the company from this Board is dated December 20, 1905, in which the company was informed that the Board adheres to its position in relation to this mortgage, as stated in its letter to the company of October 31 last, was closed. The company did not reply to the letter of the Board of December 20 last. (Case No. 3471.)

Application of the Geneva, Phelps and Newark Railroad Company for a certificate under section 59 of the Railroad Law. Ordered hearing set for Wednesday, February 14, 1906, 2 p. m., at the Kirkwood Hotel, Geneva. (Case No. 3473.)

Application of the New York, Auburn and Lansing Railroad Company for consent of this Board to the issue of a mortgage for two million five hundred thousand dollars (\$2,500,000). Ordered hearing set for Wednesday, February 14, 1906, 2 p. m., at the Kirkwood Hotel, Geneva. (Case No. 3479.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 9, 1904, as to the closing and discontinuance of the Newburgh and Campbell Hall road highway grade crossing of the New York, Ontario and Western Railway near its Rock Tavern station in the town of New Windsor, Orange county, and the construction of a new piece of highway and an overhead crossing of said railway near by, a report dated January 6, 1906, was received from the superintendent of the grade crossing bureau as to the condition of the approaches to the overcrossing. Ordered that the superintendent of the grade crossing bureau again inspect this work in company with representatives of the railway company and of the town. (Grade Crossing Case No. 488.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, a detail plan for masonry work at the State street undercrossing, marked issue No. 3, showing change, was submitted to the Board by the New York Central and Hudson River Railroad Company, together with a report thereon dated January 2, 1906, from the superintendent of the grade crossing bureau. Ordered approved said detail plan, issue No. 3, of masonry for this bridge. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, blue print sheet No. 2 of detail plan for retaining wall between State and Liberty streets on The Delaware and Hudson side of the tracks, showing a small change, was submitted to the Board by the New York Central and Hudson River Railroad Company, together with a report thereon dated January 3, 1906, from the superintendent of the grade crossing bureau. Ordered approved said sheet No. 2 of said detail plan. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 8, 1904, as to the closing and discontinuance of the Van Anden street grade crossing of the New York Central and Hudson River Railroad in Auburn and the construction of new pieces of street, a copy of a plan (which plan has heretofore been approved by this Board) for this work was submitted to the Board by the company in a letter dated December 13, 1905, for the Board's information. Ordered filed. (Grade Crossing Case No. 470.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing and discontinuance of the Croton and Drewsville road highway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the

town of Carmel, Putnam county, at a point known as Light's crossing, and the construction of new pieces of highway and an overhead bridge crossing of said railroad, a plan showing proposed work, approved by the supervisor of the town of Carmel and the supervisor of the town of South East as well as by the company was submitted to the Board, together with a report thereon dated November 6, 1905, from the superintendent of the grade crossing bureau. The plan bears a note that the town of South East will bear such proportion of the expense as this Board shall determine; the plan shows a change in the northerly approach. Ordered letter written the supervisor of the town of South East asking if a statement or resolution of the majority of the town board to the effect of said note will be sent here. (Grade Crossing Case No. 398.)

In the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the Rockaway road highway grade crossing of its railroad in Jamaica, New York city, to an undercrossing; and in the matter of the petition of the Long Island Railroad Company under section 62 of the Railroad Law, as to the closing and discontinuance of the Division avenue grade crossing of its railroad in Jamaica, New York city, and the diversion of the travel to the proposed Rockaway road undercrossing — in which the last hearing was held by this Board at Jamaica on November 21, 1905 — plans as to an undercrossing at the Rockaway road were submitted to this Board by the Topographical Bureau, Borough of Queens of New York city, together with a report thereon dated January 8, 1906, from the superintendent of the grade crossing bureau. Ordered adjourned hearing in the matter of these petitions set for Tuesday, January 30, 1906, 2 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Grade Crossing Cases Nos. 391 and 392.)

Application of the New York, Auburn and Lansing Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its steam-electric railroad shall cross streets, avenues and highways in the town of Lansing, Tompkins county. Ordered hearing set for Wednesday, February 14, 1906, 2 p. m., at the Kirkwood Hotel, Geneva. (Grade Crossing Case No. 578.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 11, 1901, and modified determination contained in letters dated April 18, 1902, and June 12, 1902, and March 18 and April 14, 1903, as to changing the Main street grade crossing of the Erie Railroad in Salamanca to an undercrossing, a supplemental accounting and settlement between the village and the railroad company of the cost of the work was submitted to the Board, together with a report thereon dated January 9, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost under said supplemental accounting and settlement, viz., three thousand and eighty dollars and twenty-eight cents (\$3,080.28), be paid to the village of Salamanca. It is understood that there are still remaining certain claims for consequential damages to property alleged to have been sustained by the elimination of said grade crossing, payment of which said claims has been refused and which are involved in litigation; that the only remaining claims so involved in litigation are the claims of Dora Hoy, Augusta Johns and Charles Johns, which claims are to be litigated at one time before commissioners already appointed by the Supreme Court; that it is not practicable or possible to now state what these remaining claims for consequential damages which are involved in litigation amount to. When final adjudication is made on said claims they shall be made the subject of an accounting between the State, the village and the company. (Grade Crossing Case No. 163.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1901, as to the closing and discontinuance of the Covert street or Hempstead road grade crossing of the Long Island Railroad in the town of North Hempstead, Nassau county, an accounting and settlement between the town of North Hempstead and the railroad company was submitted to the Board, together with a report thereon dated January 4, 1906, from the superintendent of the grade crossing bureau. Ordered that the

State's proportion of the cost of said work, viz.: twelve dollars and thirty-nine cents (\$12.39), be paid to the Long Island Railroad Company. (Grade Crossing Case No. 209.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing and discontinuance of the Ionia and East Bloomfield road highway grade crossing of the New York Central and Hudson River Railroad, in the town of West Bloomfield, Ontario county, and the construction of a new piece of highway and an undercrossing of said railroad, an accounting and settlement between the town of West Bloomfield and the New York Central and Hudson River Railroad Company was submitted to the Board, together with a report thereon dated January 8, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost of said work, viz., one thousand seven hundred and thirty-one dollars and fifty-six cents (\$1,731.56), be paid to the New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 396.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated August 24, 1905, as to a switch track of the New York Central and Hudson River Railroad crossing at grade the Yonkers Railroad on Lake avenue, Yonkers, a report dated December 11, 1905, was received from the inspector of grade crossings that this crossing has been constructed. Ordered filed. (Grade Crossing Case No. 542.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated October 11, 1905, as to a new highway in the town of Hunter, Greene county, crossing at grade the Ulster and Delaware Railroad, a report dated December 16, 1905, was received from the inspector of grade crossings as to the completed work, which report is indorsed with a statement of the superintendent of the grade crossing bureau recommending that the completed work be approved. Ordered completed work approved. (Grade Crossing Case No. 555.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated October 31, 1905, as to an extension of the Erie Railroad crossing, above grade, State street in the city of Binghamton, a report dated December 18, 1905, was received from the inspector of grade crossings as to the completed work, which report is indorsed with a statement from the superintendent of the grade crossing bureau recommending that the completed work be approved. Ordered completed work approved. (Grade Crossing Case No. 562.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated March 30, 1905, as to an extension of Fourteenth street, Elmira Heights, crossing at grade in the town of Horseheads, Chemung county, the Lehigh Valley Railroad, a report dated December 19, 1905, was received from the inspector of grade crossings as to the completed work, which report is indorsed with a statement of the superintendent of the grade crossing bureau recommending the approval of the completed work. Ordered completed work approved. (Grade Crossing Case No. 526.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated December 21, 1904, as to a new highway in the town of Fine, St. Lawrence county, crossing at grade the Carthage and Adirondack Railroad (leased to and operated by the New York Central and Hudson River Railroad Company), a report dated December 20, 1905, was received from the inspector of grade crossings as to the completed work, which report is indorsed with a statement of the superintendent of the grade crossing bureau recommending the approval of the completed work. Ordered completed work approved. (Grade Crossing Case No. 508.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated March 4, 1903, as to West Side avenue, in the city of Elmira, crossing underneath the Erie Railroad, an undercrossing, already existing, to be widened, a report dated December 26, 1905, was received from the inspector of grade crossings stating that no steps had been taken to carry out this determination. Ordered letter written company on the subject. (Grade Crossing Case No. 409.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1899, and modified determination without a written order, but a note of which is made on the minutes of November 10, 1905, as to changing a grade crossing of the Fitchburg Railroad (now Boston and Maine Railroad) in the town of Schaghticoke, Rensselaer county, to an undercrossing, a report dated December 28, 1905, was received from the inspector of grade crossings that the modified determination as to improvement of drainage has not yet been carried out. Ordered filed. (Grade Crossing Case No. 1.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated August 9, 1904, as to the Lowville and Beaver River Railroad, crossing streets, avenues and highways in Lewis county, a report dated December 21, 1905, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 492.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated May 23, 1905, as to McKinley avenue in the town of Union, Broome county, crossing overhead the Erie Railroad, a report dated December 18, 1905, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 537.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, a report dated January 2, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 369.)

The Board adjourned.

BUFFALO, JANUARY 17, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Eaker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate, under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Hatch & Sheehan (Edward W. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Lockwood, Hoyt & Green, for the Lake Shore and Michigan Southern Railway Company, in opposition; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company. After hearing evidence and arguments a recess in this matter was taken until 2 p. m.

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate, under section 59 of the Railroad Law. Bushnell & Metcalf (Mr. Bushnell appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Joseph G. Dudley for the Buffalo Frontier Terminal Railroad Company, in opposition. Without the hearing of evidence or arguments the hearing was postponed to a date to be thereafter fixed. This matter is not to be heard until after the evidence in the Buffalo Frontier Terminal Railroad Company's application is closed. (Case No. 3432.)

Application of the Auburn & Syracuse Electric Railroad Company for approval of an increase of its capital stock from one million five hundred thousand dollars (\$1,500,000) to two million dollars (\$2,000,000). William Nottingham for the applicant. After hearing arguments the hearing was closed. (Case No. 3480.) Com. Aldridge was not present at this hearing.

Orders.

Application of the Auburn & Syracuse Electric Railroad Company for approval of an increase of its capital stock from one million five hundred thousand dollars (\$1,500,000) to two million dollars (\$2,000,000). Granted. (Case No. 3480.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments the hearing was adjourned until Thursday, January 18, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

The Board adjourned.

BUFFALO, JANUARY 18, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as yesterday, with the addition of John S. Rockwell, generally, for the Buffalo, Rochester and Pittsburgh Railway Company. After hearing evidence and arguments a recess in this matter was taken until 2 p. m. (Case No. 3082.)

Adjourned hearing in the application of the Buffalo & Rochester Traction Company (street surface) for a certificate, under section 59 of the Railroad Law. Herbert P. Bissell for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; John S. Rockwell appeared for the Buffalo, Rochester and Pittsburgh Railway Company, and withdrew that company's opposition. Without the taking of evidence, the hearing was adjourned until Tuesday, February 6, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3448.)

In the matter of a mortgage of the Buffalo and Williamsville Electric Railway Company, and a mortgage of the Buffalo, Batavia and Rochester Electric Railway Company, in which Mr. George L. Lewis, the attorney for the applicant, was to appear before this Board to-day, Mr. Lewis did appear but was not heard, and he is to appear before the Board in this matter in Albany on Tuesday, the 23d inst. (Cases Nos. 2989 and 3368.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hear-

ing evidence and arguments, the hearing was adjourned until Wednesday, February 7, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)
The Board adjourned.

NEW YORK (BROOKLYN), JANUARY 20, 1906.

Hearings.

Hearing before Commissioners Dickey and Rockwell (by delegation of the Board) in the matter of investigation of derailment of a train on the Cypress Hills branch of the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) at Fulton street and Euclid avenue, about noon on January 19. The Commissioners inspected the scene of the accident, and adjourned the hearing until Monday, January 22, 1906, 11 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Street Case No. 4—1906.)

NEW YORK, JANUARY 22, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Investigation of derailment of train on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) at Fulton street and Euclid avenue, about noon, January 19. Without proceeding with this investigation at this time, the hearing was adjourned until Wednesday, January 24, 1906, 11:30 a. m., at the New York office of the Board, and the Board proceeded to Brooklyn and investigated a rear collision between trains on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) at Myrtle and Hudson avenues, on the morning of January 22. (Street Cases Nos. 4 and 6—1906.)

The Board adjourned.

ALBANY, JANUARY 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Aldridge. The minutes of the meetings of January 9, 10, 17 and 18, were read and approved.

Hearings.

Adjourned hearing on the petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the changing of the Peek and Nott streets grade crossings of the Troy and Schenectady branch of said company's railroad in the city of Schenectady, from grade to undercrossings of the railroad, and as to necessary modifications at Fonda and Center streets. George H. Walker for the applicant; Austin A. Yates for the city; Miller & Golden (Mr. Golden appearing) for property owners. No evidence was taken at this hearing, the city consenting to the petition and no one desiring to present further evidence. The evidence was closed but the matter was held open. (Grade Crossing Case No. 477.)

Application of the Union Traction Company for approval of petition to the Supreme Court for leave to change the name of said company to the Batavia, Medina & Ontario Railway Company. Raymond Fuller for the applicant. After hearing arguments the hearing was closed. (Case No. 3468.)

Complaints.

E V. Skinner against the Yonkers Railway Company as to service rendered the public. Referred to Commissioners Baker and Rockwell for report. (Case No. 3490.)

Citizens' Improvement League of Kensington, Parkville and vicinity, Brooklyn, against the Brooklyn Heights Railroad Company, as to service rendered the public. Reply of complainants received. Ordered filed. The inspector of grade crossings has been instructed to make a report in this matter. (Case No. 3476.)

Christopher Clark against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Letter dated January 18, 1906, received from the company in answer to letter of recommendation of this Board of January 17. Ordered filed. The inspector of grade crossings is to make a report on the statements in the letter of the company of January 18. (Case No. 3222.)

Townsend L. Bishop, of Portlandville, against The Delaware and Hudson Company as to charge on a shipment of freight. Copy sent company. The shipment referred to may be interstate commerce. (Case No. 3492.)

C. E. Baillien and others, of Florida, Orange county, against the Erie Railroad Company as to furnishing freight cars for shipment at that station, and as to delay of shipments. Additional complaints were filed with the Board. Copies sent company. (Case No. 3481.)

Chenango Valley Dairy Company against the Delaware, Lackawanna and Western Railroad Company as to facilities for shipping milk at Greene. Closed. (Case No. 3143.)

E. H. Weber, of Brooklyn, against the Brooklyn Heights Railroad Company in relation to the operation of cars on the Brooklyn bridge and on the Bergen street line and Brighton Beach line of said company. Copy sent company. The inspector of grade crossings is to make a report in this matter. (Case No. 3489.)

W. W. Hare against the Ithaca Street Railway Company. Letter dated December 19, 1905, received from complainant. This case was closed on the minutes of October 10, 1905, and is not re-opened. (Case No. 3423.)

Ogilvy Robertson against the Brooklyn Heights Railroad Company as to rate of speed of freight cars of said company on Thirty-ninth street, Brooklyn. Letter dated January 18, 1906, received from company stating that the recommendation of the Board in this matter "is being complied with." Closed. (Case No. 3450.)

A. W. Thompson, mayor of Kingston, against the Kingston Consolidated Railroad Company as to service rendered the public. Copy sent company. Answer of company received. Copy sent complainant. Ordered hearing set for Tuesday, February 13, 1906, 12 m., at the office of the Board in Albany. (Case No. 3485.)

John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company, and the Richmond Light and Railroad Company as to running of cars and trains from the Staten Island ferry between 1 and 5 a. m. Ordered hearing set for Tuesday, January 30, 1906, 3 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3457.)

E. A. Howland, of New York city, against the Interborough Rapid Transit Company as to trains on its Manhattan Railway division not stopping at Fifty-third street and Third avenue station. Copy sent company. Ordered referred to Commissioners Baker and Rockwell for report. (Case No. 3487.)

Charles H. Graham against the Brooklyn Heights Railroad Company as to

alleged construction of trolley poles at the foot of Montague street, Brooklyn. A report in this matter dated January 16, 1906, was received from the inspector of grade crossings to the effect that trolley poles were not being constructed at the point in question. Copy sent complainant. Closed. (Case No. 3484.)

James W. Colt against the Erie Railroad Company as to alleged failure of the company to furnish the complainant at Geneseo with cars for shipment of hay. Answer of company received stating that the cause of complaint had been removed. Copy sent complainant. Closed. (Case No. 3475.)

Grace H. Rover against the Brooklyn Heights Railroad Company as to alleged lack of shelter station for passengers at Church and Rockaway avenues, Brooklyn. Letter dated January 18, 1906, received from company stating that it will comply with the recommendation of the Board. Ordered that the electrical expert make a report in this matter in the future. (Case No. 3470.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to conditions in the operation of cars of said company on its Jackson avenue line. Copy sent company. The inspector of grade crossings is to make a report in this matter. (Case No. 3491.)

Residents of Sherman Park against the New York Central and Hudson River Railroad Company asking that a station building be constructed at that point, which is on the New York and Harlem division. Letter dated January 10, 1906, received from the company stating that steps are being taken toward the construction of a station at this point. Ordered letter written the company, as shown by copy on file. (Case No. 3393.)

W. B. Van Alstyne against the Albany and Hudson Railroad Company as to said company not giving receipts for milk shipped at Kinderhook. Ordered letter written complainant, as shown by office original on file. (Case No. 3482.)

Henry White against the Interborough Rapid Transit Company, Manhattan Railway division, as to stairways at the station of said company at Houston street and Bowery, New York city. Letter of complaint received from Jonas Montague. Ordered that recommendation of the Board heretofore made to the company be made again, as shown by office original letter on file. This case was closed on the minutes of November 30, 1904, and is now re-opened. (Case No. 3112.)

Applications.

Application of the Elmira, Corning and Waverly Railway for a certificate under section 59 of the Railroad Law. Briefs were received from Howard & Sebring, attorneys highway commissioners, town of Barton, Seymour Lowman, attorney, towns of Chemung, Ashland, Southport and the village of Wellsburg, and Boyd McDowell and Theodore R. Tuthill (one brief), attorneys Chemung Valley Traction Company, this latter brief being also in the matter of the application of the Chemung Valley Traction Company for a certificate under section 59 of the Railroad Law. (Cases Nos. 3323 and 3412.)

Application of the Bronx, Yonkers and White Plains Railway Company (new company) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, February 20, 1906, 10:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3486.)

Reports.

Supplemental report of the superintendent of the grade crossing bureau, dated January 20, 1906, as to conditions in the operation of the Albany and Hudson Railroad. Ordered copy sent company, with letter of recommendation as shown by office original letter on file. (Case No. 3402.)

In the matter of the recommendations of this Board contained in a letter, dated September 13, 1905, to the Buffalo Southern Railway, as to crossings of steam railroads by the Buffalo, Gardenville and Ebenezer Railway (now a part of the Buffalo Southern Railway), a letter dated January 20, 1906, was received from the company. Ordered filed. (Case No. 2325.)

Report of the superintendent of the grade crossing bureau, dated January 22, 1906, as to a head-on collision between passenger cars on the Albany and Hudson Railroad, December 26, 1905, about 8:15 a. m. Ordered copy sent company. (Steam Case No. 43 — 1905.)

Report of the inspector, dated December 30, 1905, as to derailment of passenger train on The Delaware and Hudson Company's railroad near Dyes' switch, about fourteen miles from Binghamton, November 13, 1905. Ordered copy sent company with a letter of recommendation as shown by office original letter on file. (Steam Case No. 35 — 1905.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schoenectady from grade to undercrossings, blue print sheet No. 3 of detail plan for retaining wall between Liberty and Union streets on The Delaware and Hudson side of the tracks, showing a variation in the alignment at Liberty street, was submitted to the Board by the New York Central and Hudson River Railroad Company, together with a report thereon dated December 22, 1905, from the superintendent of the grade crossing bureau. Ordered approved said blue print sheet No. 3 of said detail plan. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, that the Caskey's grade crossing of the Erie Railroad in the town of Deer Park, Orange county, shall be closed and discontinued and new pieces of highway and an undercrossing of said railroad constructed, proposals of contractors for the substructural and superstructural work were submitted to the Board by the Erie Railroad Company, together with a report thereon, dated January 11, 1906, from the superintendent of the grade crossing bureau, the proposal for the bridge being for the metal work delivered f. o. b. cars Erie Railroad. Ordered approved the proposal of L. F. Shoemaker & Company for the steel for the superstructure, unit price, 3.15 cents per pound, making the estimated total cost \$15,120, and ordered approved the proposal of Leshner & Wagner for the substructural work, estimated quantities, unit prices, estimated to amount in total to \$11,544. False work and other items are not included in these amounts. (Grade Crossing Case No. 464.)

Orders.

E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public. Determination and recommendations, as shown by office original determination and recommendations on file. (Case No. 3402.)

Application of the Union Traction Company for approval of petition to the Supreme Court for leave to change the name of said company to the "Batavia, Medina and Ontario Railway Company." Granted. (Case No. 3468.)

Bills Approved.

The following bills were approved:

Grade Crossings—Construction Account.

Village of Salamanca	\$3,080 28
For the State's proportion of certain property damages involved in the changing of Main street grade crossing of the Erie Railroad to an undercrossing, in pursuance of a determination under section 62 of the Railroad Law, dated April 11, 1901, and modified determinations contained in letters dated April 18 and June 12, 1902, and March 18 and April 14, 1903. (Supplemental Accounting.)	
Long Island Railroad Company.....	12 39
For the State's proportion of the cost of the closing and discontinuance of the Covert street or Hempstead road grade crossing of said railroad in the town of North Hempstead, Nassau county, in pursuance of a determination under section 62 of the Railroad Law, dated October 9, 1901.	

\$3,092 67

The Board adjourned.

NEW YORK, JANUARY 24, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Continuation of investigation of the derailment on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) at Fulton street and Euclid avenue on January 19, about noon. The investigation was finished. (Street Case No. 4—1906.)

The Board adjourned.

ALBANY, JANUARY 26, 1906.

Applications.

Application of the War Department, under section 51 of the Railroad Law, as to the use of stoves for cooking purposes in baggage cars in a train or trains in this State on the New York Central and Hudson River Railroad to be used to transport the Third Battalion, 8th Infantry, U. S. A., from Fort Niagara, N. Y., to San Francisco, Cal. Consent granted through telephone communication with the Board. (Case No. 3495.)

NEW YORK, JANUARY 30, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The Board took further evidence in its investigation of derailment of train on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) at Myrtle and Hudson avenues on the

morning of January 22. The investigation was finished. (Street Case No. 6 — 1906.)

Application of the New York Central and Hudson River Railroad Company and the Spuyten Duyvil and Port Morris Railroad Company, lessor, under section 34 of the Railroad Law, for consent to the discontinuance of the Kings Bridge station on said companies' railroad in the city of New York at its present location, it being proposed that a new station shall be established at a point near Broadway on a changed line of said companies' railroad known as the Marble Hill cut-off. George H. Walker for the applicants; H. H. Brown, president of the Kings Bridge Improvement Association, appeared in favor of the application. After hearing arguments the hearing was closed. (Case No. 3474.)

Application of the Williams Terminal Railway Company for a certificate under section 59 of the Railroad Law. Dykman & Carr (Mr. Britton appearing for the applicant; Fullerton Wells for the Twelfth Assembly District (Brooklyn) Municipal Ownership League, in opposition. Without the taking of evidence or hearing of arguments the hearing was adjourned until Tuesday, February 20, 1906, 12 m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3454.)

William Greenough attorney for the New York, New Haven and Hartford Railroad Company and the New England Railroad Company, appeared before the Board, at the Board's request, in relation to the applications of said companies, under sections 60 and 62 of the Railroad Law, as to crossing at Brewster, under section 62, and as to crossing No. 4, near Stormville, in the section 60 application. (Grade Crossing Cases Nos. 556 and 559.)

Application of the New York, Auburn and Lansing Railroad Company for consent to the issue of a mortgage for \$2,500,000. E. C. Aiken for the applicant. After hearing evidence and arguments the hearing was adjourned and Mr. Aiken was notified that he might appear before the Board for the adjourned hearing either at the Hotel Iroquois, Buffalo, on Tuesday, February 6, 1906, at 10 a. m., or at the Kirkwood Hotel, in Geneva, on Wednesday, February 14, 1906, at 2 p. m. (Case No. 3479.)

Complaints.

W. J. McMahon, J. Wadsworth Norton and others against the Brooklyn Heights Railroad Company as to running trains of said company through New Utrecht avenue. A letter, dated January 25, 1906, was received from the company, asking that the recommendation of the Board, contained in its letter to the company, dated December 16, 1905, be considered. Ordered that the company be notified that this recommendation has not been reconsidered, and has not been withdrawn, and that the company is expected to comply therewith. (Case No. 3338.)

Citizens' Improvement League of Kensington, Parkville and vicinity, Brooklyn, against the Brooklyn Heights Railroad Company, as to service rendered the public. A report, dated January 25, 1906, was received from the inspector of grade crossings. Ordered copy sent company with a letter of recommendation, as shown by office original letter on file. (Case No. 3476.)

Reports.

Report of the superintendent of the grade crossing bureau, dated December 30, 1905, as to guard rails on the structure of the New York Central and Hudson River Railroad Company in Fourth avenue, New York city, from the north tunnel portal to One Hundred and Thirty-eighth street. Ordered copy sent company with letter of recommendation, as shown by office original letter on file. (Case No. 3477.)

Report of the inspector, dated January 19, 1906, as to a head-on collision between freight trains on the Pennsylvania division of the New York Central and Hudson River Railroad near Geneva, January 8, 1906. Ordered copy sent company with a letter of recommendation, as shown by office original letter on file. (Steam Case No. 5 — 1906.)

In the matter of the complaint of L. Lilienthal as to service rendered the public by street surface and elevated railroad lines in the Boroughs of Manhattan and the Bronx, New York city, and the complaint of E. V. Skinner against the Yonkers Railway Company as to service rendered the public, which matters are being investigated by Commissioners Baker and Rockwell, the Commissioners made a preliminary report suggesting that a recommendation be made to the Union Railway Company and the Yonkers Railroad Company, of which the same person is president, that they procure as soon as practicable fifty new large type cars and put them in operation in the Borough of Bronx and Yonkers. Ordered said recommendation made to the companies. (Cases Nos. 3478 and 3490.)

Orders.

Application of the New York Central and Hudson River Railroad Company and the Spuyten Duyvil and Port Morris Railroad Company, lessor, under section 34 of the Railroad Law, for consent to the discontinuance of the Kings Bridge station on said companies' railroad, in the city of New York at its present location, it being proposed that a new station shall be established at a point near Broadway on a changed line of said companies' railroad known as the Marble Hill cut-off. Granted. (Case No. 3474.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned Hearing on the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the changing of the Rockaway road highway grade crossing of its railroad in Jamaica, Borough of Queens, city of New York, to an undercrossing; and on the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Division street grade crossing of its railroad in Jamaica, Borough of Queens, city of New York, and the diversion of the travel to the proposed Rockaway road undercrossing; the hearings on these petitions were held as one hearing. J. F. Keany for the petitioner; Robert S. Crowell and John J. McLaughlin appeared for the Topographical Bureau of the Borough of Queens; Nelson P. Lewis appeared for the mayor; William F. Byrne for Nelson Morris & Company; John O'Donnell for himself; Samuel Sanders, John S. Ballard, Michael J. Carter, George H. Seddon and E. W. Renner for the South Side Citizens' Association of Jamaica; James C. Van Sicken for Asher Wright; M. L. McGuire for himself; John Adikes, a property owner, for himself; E. L. Maeder; George W. Bartholf for John Fitzgerald. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Cases Nos. 391 and 392.)

John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company, as to running of cars and trains from the Staten Island ferry between 1 and 5 a. m. John R. Zwicky, George W. Daly, Malcom A. Brill, John T. Burke, Henry Maass, John Martin, Howard C. Hillegas, Robert D. McKay, Frank Harrison and C. Scharrmacher for complainants; M. Altman for the president of the Borough of Richmond; L. W. Widdencombe for the Staten Island Board of Trade and Transportation; Lester W. Clark for the Staten Island Rapid Transit Railway Company and the Staten Island Railway; M. L. Ryan for the Richmond Light and Railroad Company and the Staten Island Midland Railroad Company. After hearing arguments the hearing was closed. Mr. Hillegas is to file a statement of his opinion as to trains and cars which should be run between 1 and 5 a. m. (Case No. 3457.)

The Board adjourned.

BUFFALO, FEBRUARY 6, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate, under section 59 of the Railroad Law. Herbert P. Bissell for the applicant; Pooley & Spratt (Mr. Spratt appearing) for the New York Central and Hudson River Railroad Company, in opposition. After hearing evidence and arguments, a recess in this matter was taken until 2 p. m. (Case No. 3448.)

Reports.

In the matter of the complaint of Arthur C. Ferguson against the Troy and New England Railway Company, a report dated January 30, 1906, was received from the superintendent of the grade crossing bureau, as to the physical condition of said railway. Ordered that the receiver of the company be sent a copy of the report, and that he or a representative be asked to appear before the Board in Albany on Tuesday, the 13th inst., at 12 m., in relation to the statements in this report. (Case No. 2886.)

Bill Approved.

The following bill was approved.

Grade Crossing — Construction Account.

New York Central and Hudson River Railroad Company	\$1,731 56
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For the State's proportion of the cost of the closing and discontinuance of the Ionia and East Bloomfield road, highway grade crossing of said railroad, in the town of West Bloomfield, Ontario county, and the construction of a new piece of highway and an undercrossing of said railroad, in pursuance of a determination of the Board of Railroad Commissioners, under section 62 of the Railroad Law, dated June 14, 1904.

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the New York, Auburn and Lansing Railroad Company for consent to the issue of a mortgage for \$2,500,000. E. C. Aiken for the applicant. After hearing arguments the hearing was closed. (Case No. 3479.)

The hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments, the hearing was adjourned until Thursday, March 15, 1906, at 10 a. m., at the Hotel Iroquois, Buffalo. The applicant on this date finished its evidence except in rebuttal, and except as to payment of the 10 per cent. of the capital stock before incorporation, and except as to the *bona fides* of the application and the ability of the projectors to build the railroad. (Case No. 3448.)

Orders.

Application of the Chemung Valley Traction Company (street surface) for a certificate, under section 59 of the Railroad Law. Refused. Commissioner Rockwell not taking part in this determination. (Case No. 3323.)

Application of the Elmira, Corning and Waverly Railway (street surface) for a certificate, under section 59 of the Railroad Law. Granted. Commissioner Rockwell not taking part in this determination. (Case No. 3412.)
The Board adjourned.

BUFFALO, FEBRUARY 7, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate, under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Hatch and Sheehan (Mr. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh Valley Railroad Company, the Lehigh Valley Railway Company and the Buffalo, Thousand Islands and Portland Railroad Company, in opposition; Bushnell & Metcalf (Mr. Metcalf appearing) for the Buffalo, Lake Erie and Niagara Railroad Company. After hearing evidence and arguments, a recess was taken until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Company (steam) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments further, the hearing was adjourned until Tuesday, March 13, 1906, at 10 a. m., at the Hotel Iroquois, Buffalo. The applicant has finished its case except in rebuttal, and except as to the *bona fides* of the application and the ability of the projectors to build the railroad. (Case No. 3082.)

The Board adjourned.

ALBANY, FEBRUARY 13, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Aldridge. Commissioners Baker and Rockwell were in New York on this date in the matter of the operation of the surface and elevated railroads in the Borough of the Bronx and Borough of Brooklyn.

The minutes of the meetings of January 20, 22, 23, 24, 26 and 30, and February 6 and 7 were read and approved.

Hearings.

In the matter of the complaint of Arthur C. Ferguson against the Troy and New England Railway Company, as to the physical condition of its railway, Edward F. Muffay, receiver of the company, appeared before the Board, at its request, in relation to recommendations contained in a report of the superintendent of the grade crossing-bureau, dated January 30, 1906, Specific recommendations as to improvements were made by the Board by a supplemental report of the superintendent of the grade crossing bureau, dated this date, and ordered sent to the receiver. (Case No. 2886.)

A. W. Thompson, mayor of Kingston, against the Kingston Consolidated Railroad Company as to service rendered the public. A. W. Thompson, mayor, and Philip Elting, corporation counsel, for complainant. Charles M. Preston for the company. After hearing evidence and arguments, the hearing was closed. Each party was given liberty to file a brief within seven days. (Case No. 3485.)

Application of the New York, Auburn and Lansing Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its single track railroad shall cross highways in the town of Lansing, Tompkins county. E. C. Aiken for the applicant. No one else appeared. After hearing evidence and arguments the evidence was closed, but the matter was held open. Mr. Aiken is to file with the Board a stipulation as to operation of the railroad by electricity (which he subsequently did, the stipulation being received February 15). (Grade Crossing Case No. 578.)

Complaints.

Preambles and resolutions of the board of alderman of New York city in relation to guard rails on subway railroad platforms were submitted to the Board. The city clerk was informed that this Board has not jurisdiction of the operation of the subway railroad.

M. H. Crampton against the Brooklyn Heights Railroad Company as to service rendered the public, particularly at the Brooklyn bridge. Copy sent company. Answer of company received. Copy sent complainant. A copy of the complaint and of the company's answer was sent to Commissioner Baker, who, with Commissioner Rockwell, is investigating the subject of service rendered the public by this company. (Case No. 3494.)

Townsend L. Bishop, of Portlandville, against the Delaware and Hudson Company as to charge on a shipment of freight. Answer of company received. Copy sent complainant. Closed. (Case No. 3492.)

N. E. Hutchens and supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to operation of cars in Monroe county. Correspondence from Mr. Hutchens was submitted to the Board. Ordered filed. A report dated February 8, 1906, was submitted to the Board. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Case No. 3458.)

Goodwin Brown, president Yonkers Board of Health, against the Interborough Rapid Transit Company (Manhattan Railway division) as to heating of cars. A report dated January 20, 1906, was received from the inspector of grade crossings in this matter. Copy sent complainant and company. Answer of company received. Copy sent complainant. Closed. (Case No. 3483.)

Board of supervisors of Monroe county against the Rochester and Sodus Bay Railway Company as to service rendered the public. Copy sent company. Answer of company received. Copy sent complainants. (Case No. 3503.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to conditions in the operation of cars of said company on its Jackson avenue line. Answer of company received. Copy sent complainants. (Case No. 3491.)

Taxpayers' Non-Partisan Association, Third Ward, Borough of Queens, New York city, against the New York and Queens County Railway Company as to service rendered the public to College Point. Letter dated January

26, 1906, received from complainant. Ordered referred to Commissioners Baker and Rockwell. This case was closed on the minutes of November 10, 1905, and is now re-opened. (Case No. 3365.)

E. H. Weber, of Brooklyn, against the Brooklyn Heights Railroad Company in relation to the operation of cars on the Brooklyn bridge and on the Bergen street line and Brighton Beach line of said company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered filed. The case was referred to Commissioners Baker and Rockwell, and the inspector of grade crossings is not to make a report in this matter as heretofore stated. (Case No. 3489.)

Daniel A. Moran against the Long Island Railroad Company as to its passenger station at Valley Stream and as to changing cars at Jamaica. Copy sent company. (Case No. 3502.)

Merchants and others, of Canaseraga, Allegany county, against the New York Central and Hudson River Railroad Company as to name of the Canaseraga station on the West Shore Railroad, its lessor. Copy sent company. (Case No. 3499.)

Charles Walter, of Liverpool, against the Silver Lake Railway Company as to refusal to accept shipment of freight. Copy sent company. (Case No. 3508.)

E. V. Skinner against the Yonkers Railroad Company as to service rendered the public. Letter dated February 8, 1906, received from the Union Railway Company and the Yonkers Railroad Company, stating that the recommendation of the Board as to the procuring of fifty new cars would be complied with by the companies and that the order for the cars has been given. Ordered filed. (Case No. 3490.)

George V. Fowler against the Yonkers Railroad Company as to service rendered the public. Copy sent company. (Case No. 3507.)

W. M. MacMahon and J. Wadsworth Norton against the Brooklyn Heights Railroad Company. Letter, dated February 7, 1906, received from the company stating that the recommendation of the Board as to maintaining a flagman on New Utrecht avenue would be complied with. Ordered copy sent complainant Norton. Closed. (Case No. 3338.)

W. B. Van Alstyne against the Albany and Hudson Railroad Company as to not giving receipts for milk shipped at Kinderhook and receipts for empty cans delivered at Albany. Letter dated January 30, 1906, received. Ordered letter of recommendation written company that receipts for milk should be given at Kinderhook, and receipts for empty cans should be given at Albany. (Case No. 3462.)

C. E. Ballien and others, of Florida, Orange county, against the Erie Railroad Company as to furnishing freight cars for shipments at that station and as to delay of shipments. Answer of company received stating that the cause of complaint had been removed. Letter received from C. E. Ballien to the same effect. Closed. (Case No. 3481.)

E. A. Howland, of New York city, against the Interborough Rapid Transit Company as to trains on its Manhattan Railway division not stopping at Fifty-third street and Third avenue station. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered filed. (Case No. 3487.)

Edward C. Buchenau against the Erie Railroad Company as to discontinuance of passenger train from New City about 6:20 a. m. A new complaint in this matter was received from G. M. Carnochan. Copy sent company. (Case No. 3342.)

U. S. Grant Cure, of Pine Hill, against the Ulster and Delaware Railroad Company as to freight rates on hard coal. Ordered copy sent company. (Case No. 3496.)

Citizens' Improvement League of Kensington, Parkville and vicinity, Brooklyn, against the Brooklyn Heights Railroad Company as to service rendered the public. Letter dated February 3, 1906, received from complaints. Ordered papers sent to New York for the meeting on the 20th instant. (Case No. 3476.)

Preambles and resolution of the board of aldermen of New York city in relation to heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Report in this matter dated February 8, 1906, received from the electrical expert, which report contains recommendations as to heating the cars of the Brooklyn Heights Railroad company. Ordered said recommendations made the recommendations of this Board. (Case No. 3509.)

Edwin M. Dorland against the Rutland Railroad Company as to alleged setting of fires by locomotive engines of that company. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3497.)

John S. Wise against the American Express Company as to alleged overcharge on shipment of one barrel of oysters from New York city to Watertown. Copy sent company. Answer of company received, stating that the overcharge would be refunded. Copy sent complainant. Closed. (Case No. 3488.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Jamaica-Flushing line. Letter dated January 3, 1906, received from complainant, and report dated January 27, 1906, received from the inspector of grade crossings. Ordered referred to Commissioners Baker and Rockwell. (Case No. 3222.)

Henry White against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at the station of said company at Houston street and Bowery, New York city. Letter dated January 26, 1906, received from the company. Ordered that the inspector of grade crossings make a report in this matter. (Case No. 3112.)

George J. Beyer against the Brooklyn Heights Railroad Company as to operation of its railroad. Report dated January 12, 1906, received from the inspector of grade crossings. Ordered filed. Closed. (Case No. 3466.)

In the matter of the recommendations of this Board in the complaint of E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public, and in the matter of report of the superintendent of the grade crossing bureau, dated January 22, 1906, as to a head-on collision between passenger cars on said company's railroad December 26, 1905, and in the matter of a supplemental report of the superintendent of the grade crossing bureau, dated January 20, 1906, as to the operation of this company's railroad, and recommendations of the Board in said matter, a letter dated January 26, 1906, was received from the company. Ordered letter written the company as to compliance with the recommendations. (Case 3402 and Steam Case No. 43 — 1905.)

Applications.

A letter dated January 25, 1906, to the Attorney-General from George E. Pierce, Deputy Attorney-General, was filed with the Board, calling the attention of the Board to the fact that the proposed barge canal will cross streets, avenues and highways in various places and suggesting that, in granting consent, under section 59 of the Railroad Law, for the construction of new railroads or extensions (so far as the statute applies), of existing railroads through or along any of the streets or highways which may be intersected by the proposed barge canal, the rights of the State may be safeguarded and reserved so that no claim for damages could be presented or claimed by the railroad corporation for any changes which might be necessary to be made in such streets or highways. Ordered letter written the Attorney-General that the Board will bear this matter in mind.

Application of the Delaware and Eastern Railroad Company for consent to the issue of a first mortgage for \$1,000,000. Ordered hearing set for Tuesday, February 20, 1906, 2 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3506.)

Application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered petition returned to applicant inasmuch as the certificate as to pay-

ment of the 10 per cent. on stock was not published with the articles of association as published. (Case No. 3500.)

Application of the Corning and Painted Post Street Railway, under section 68 of the Railroad Law, for a determination as to whether an extension of its railroad shall cross the Erie Railroad at a point in the town of Corning, Steuben county, near what is known as the Caton road highway, above, below or at the grade of the Erie Railroad (it being proposed that the crossing be below grade). Closed. (Case No. 3316.)

Application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, February 27, 1906, 11 a. m., at the Kirkwood Hotel, Geneva. (Case No. 3473.)

Application of the Lake Cayuga and East Side Railroad Company (street surface) on its amended articles of association for a certificate, under section 59 of the Railroad Law. Closed, the applicant not having proceeded in the matter. The application may be re-opened upon request of the applicant. (Case No. 2921.)

Application of the New York and Stamford Railway Company (street surface) for a certificate, under section 59a of the Railroad Law, that public convenience and a necessity require the construction of an extension or extensions of its electric railway. Closed, the applicant not having proceeded in the matter. The application may be re-opened upon request of the applicant. (Case No. 2879.)

Reports.

Report of the inspector dated January 13, 1906, as to blowing out of pocket flue of fire box of locomotive No. 118 of The Delaware and Hudson Company at Unadilla, November 30, 1905. Ordered copy sent company. (Steam Case No. 38 — 1905.)

Report of the inspector dated December 20, 1905, as to derailment of southbound passenger train No. 70 at a switch leading to the Mott Haven yard on the New York Central and Hudson River Railroad about 1:52 p. m., December 7, 1905. Ordered copy sent company. (Steam Case No. 39 — 1905.)

Report of the inspector dated February 12, 1906, as to a collision between westbound passenger train No. 85 and locomotive No. 215 on The Delaware and Hudson Company's railroad in the Delanson yard, 9:27 p. m., January 31, 1906. Ordered copy sent company. (Steam Case No. 12 — 1906.)

Report of the inspector dated February 10, 1906, as to head-on collision between eastbound passenger train No. 70 and westbound work train, extra, engine No. 264, on The Delaware and Hudson Company's railroad about one mile east of South Schenectady, January 31, 1906, at 6:40 a. m. Ordered copy sent company. (Steam Case No. 11 — 1906.)

Report of the inspector dated December 30, 1905, as to derailment of northbound mixed train No. 67 on the New York, Ontario and Western Railway between Solsville and Oriskany Falls, November 1, 1905, 7:14 a. m. Ordered copy sent company. (Steam Case No. 32 — 1905.)

Report of the inspector dated January 20, 1906, as to an accident which occurred on the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad near Windsor Beach, January 8, 1906, about 7:45 p. m. Ordered copy sent company. (Steam Case No. 8 — 1906.)

Report of the inspector dated February 1, 1906, as to derailment through misplaced switch of southbound passenger train No. 851 on the Bennington branch of the Boston and Maine Railroad at Walloomsac, January 6, 1906, 1:59 a. m. Ordered copy sent company. (Steam Case No. 3 — 1906.)

Report dated January 9, 1906, of Commissioner Rockwell and the inspector as to dropping of crown sheet of locomotive engine No. 2351 on the New York Central and Hudson River Railroad near Wende, January 3, 1906, about 2 p. m. Ordered copy sent company. (Steam Case No. 2 — 1906.)

Report of the inspector dated January 20, 1906, as to head-on collision between work train and freight train No. 85 on the Rome, Watertown and

Ogdensburg division of the New York Central and Hudson River Railroad near Liverpool, January 11, 1906. Ordered copy sent company. (Steam Case No. 9 — 1906.)

Report dated January 12, 1906, of Commissioner Rockwell and the inspector as to empty passenger cars on the New York Central and Hudson River Railroad striking a bumping block in the Grand Central Station, January 7, 1906. Ordered copy sent company. (Steam Case No. 4 — 1906.)

Report dated January 20, 1906, of Commissioner Rockwell and the inspector as to rear collision between milk trains on the Harlem division of the New York Central and Hudson River Railroad at Katonah, January 8, 1906. Ordered copy sent company. (Steam Case No. 6 — 1906.)

Report of the inspector dated February 10, 1906, as to head-on collision between westbound passenger train No. 135 and locomotive No. 588 of the Philadelphia and Reading Railroad on the Staten Island Rapid Transit Railway at St. George, January 3, 1906. Ordered copy sent company. (Steam Case No. 10 — 1906.)

Report of the inspector dated January 12, 1906, as to dropping of crown sheet of locomotive No. 2717 on the New York Central and Hudson River Railroad in the DeWitt yard, December 6, 1905. Ordered copy sent company. (Steam Case No. 40 — 1905.)

Report of the inspector dated January 30, 1906, as to derailment of a car on the Hudson Valley Railway between Lake George and Warrensburgh, January 19, 1906. Ordered copy sent company. (Street Case No. 5 — 1906.)

Report of the inspector of grade crossings dated January 19, 1906, as to derailment of a car on the Union Railway on Sedgwick avenue at One Hundred and Seventy-fifth street, New York city, January 18, 1906. Ordered copy sent company. (Street Case No. 2 — 1906.)

Report of the inspector of grade crossings dated December 13, 1905, as to accident on the Brooklyn Union Elevated Railroad line of the Brooklyn Heights Railroad Company at the Broadway ferry terminal, December 3, 1905. Ordered copy sent company. (Street Case No. 50 — 1905.)

In the matter of the recommendation of this Board as to equipment of cars of the Union Railway Company with sand boxes, the recommendation growing out of a report of the electrical expert as to the derailment of a car on said company's railway on Burnside avenue, December 12, 1904, a letter dated December 18, 1905, was received from the company stating that sanding of its track is done by sand cars. Ordered company's letter referred to Commissioners Baker and Rockwell. (Street Case No. 50 — 1904.)

In the matter of the recommendations of this Board growing out of a collision May 23, 1905, between a car of the United Traction Company and a freight train of The Delaware and Hudson Company, at the Albany street, Green Island, grade crossing of said railroads, a letter was received from the company stating that the crossing in question is protected by a flagman for twenty-four hours in the day. Ordered that the electrical expert report as to whether, in his opinion, this flagman being there renders unnecessary the recommendation of the Board as to conductors of the traction company preceding cars at this crossing. (Street Case No. 11 — 1905.)

Report of the inspector, dated January 19, 1906, as to derailment of a passenger train on the New York and Ottawa Railroad, near Bay Pond, December 28, 1905. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Steam Case No. 44 — 1905.)

Report of the inspector, dated January 24, 1906, as to a collision between trains on the New York Central and Hudson River Railroad, at Bergen, January 1, 1906. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Steam Case No. 1 — 1906.)

In the matter of the recommendation of this Board contained in a letter dated January 26, 1906, to the company, as to the derailment of a passenger train on The Delaware and Hudson Company's railroad, near Dyes' switch, about fourteen miles from Binghamton, November 13, 1905, a letter dated January 30, 1906, was received from the company stating that the recommendation would be complied with. Ordered filed. (Steam Case No. 35 — 1905.)

In the matter of the recommendation of this Board contained in a letter dated July 18, 1905, to the Citizens' Railroad, Light and Power Company, growing out of a rear collision between cars on said company's railroad on Beekman street, Fishkill, June 23, 1905, a letter, dated December 19, 1905, was received from the company stating that the recommendation had been complied with. Ordered filed. (Street Case No. 13—1905.)

In the matter of the recommendation of this Board contained in a letter dated December 19, 1905, to the Delaware, Lackawanna and Western Railroad Company, growing out of a collision between freight trains of the New York Central and Hudson River Railroad and the Delaware, Lackawanna and Western Railroad companies at a point near Smith street, Buffalo, where the Delaware, Lackawanna and Western and the Buffalo Creek railroads cross at grade—a letter, dated December 30, 1905, was received from the Delaware, Lackawanna and Western Railroad Company stating that the recommendation would be complied with. Ordered filed. (Steam Case No. 34—1905.)

In the matter of a letter from this Board, dated January 17, 1906, to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company), in the State of New Jersey, December 24, 1905, a letter, dated February 5, 1906, was received from the company. Ordered that the inspector of grade crossings report in regard to the statements in the company's letter at the meeting of the Board at the New York office on Tuesday, February 20. (Steam Case No. 46—1905.)

In the matter of the recommendations of this Board to the company, dated December 21, 1905, growing out of an accident on the New York Central and Hudson River Railroad, in Fourth avenue, near One Hundred and Fourth street, New York city, a letter, dated February 7, 1906, was received from the company asking for a hearing as to the recommendation as to government of train movements from the tower. Ordered that the company be notified that the Board will hear it in this matter at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city, on Tuesday, February 20, 1906, 2 o'clock, p. m. (Steam Case No. 41—1905.)

Report of the Board, dated February 13, 1906, in the matter of an accident on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) on January 19, 1906, near Chestnut street junction, Brooklyn. Ordered copy sent company. (Street Case No. 4—1906.)

Report of the Board, dated February 13, 1906, in the matter of an accident on the Brooklyn Union Elevated Railroad (operated by the Brooklyn Heights Railroad Company) on January 22, 1906, at Navy street junction, Brooklyn. Ordered copy sent company. (Street Case No. 6—1906.)

In the matter of the determination of this Board, dated June 30, 1903, and supplemental determination, dated December 2, 1903, as to the Battenkill Railroad (steam) crossing the Hudson Valley Railway (street surface) in the highway known as the River road, near Thomson, a report, dated February 2, 1906, was received from the superintendent of the grade crossing bureau that the signals which were determined should be constructed on the railroads at this point have not been constructed, but that the crossing is protected by a flagman. Also that the Big Falls overhead crossing is constructed. Ordered filed. (Case No. 2881.)

A copy of letter of January 23, 1906, to the electrical expert as to his reporting as to the operation of the street surface and elevated railroads of the Brooklyn Heights Railroad Company was submitted to the Board. (Case No. 3510.)

In the matter of the recommendations of this Board, contained in a letter, dated December 18, 1905, to the Brooklyn Heights Railroad Company, as to the condition of the ties and track of the elevated railroad operated by said company between Flatbush avenue and Cumberland street stations, a

letter, dated December 30, 1905, was received from the company. Ordered filed. Closed. (Case No. 3464.)

In the matter of recommendations growing out of the report, dated November 17, 1905, of the inspector and the superintendent of the grade crossing bureau, as to condition of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) between Stony Point and West Park, letters dated January 19 and February 6, 1906, were received from the company. Ordered filed. Closed. (Case No. 3452.)

In the matter of the recommendations of this Board, contained in a letter, dated February 2, 1906, to the New York Central and Hudson River Railroad Company, in relation to guard-rails on its bridge over the Harlem river and on its railroad on each side of the bridge and as to guard-rails on two tracks between One Hundred and Sixth and One Hundred and Tenth streets, Fourth avenue, New York city, a letter, dated February 9, 1906, was received from the general superintendent of the company, stating that the matter had been referred to the general superintendent of the electric division. Ordered, letter written the general superintendent of the electric division as shown by copy on file. (Case No. 3477.)

In the matter of recommendations of the Board to the Richmond Light and Railroad Company as to the physical condition of its railroad, a report, dated December 7, 1905, was received from the inspector of grade crossings as to compliance with the recommendations, and copy sent company. A letter, dated February 7, 1906, was received from the company on the subject. Ordered filed. Closed. (Case No. 3241.)

In the matter of recommendations of the Board to the Staten Island Midland Railroad Company as to the physical condition of its railroad, a report, dated December 8, 1905, was received from the inspector of grade crossings as to compliance with the recommendations, and copy sent company. A letter, dated February 8, 1906, was received from the company on the subject. Ordered that the electrical expert make a report in this matter. (Case No. 3242.)

In the matter of the recommendations of this Board, contained in a letter, dated December 18, 1905, to the Erie Railroad Company, growing out of a report of the inspector as to the physical condition of the railroad of said company in this State, a letter, dated February 7, 1906, was received from the company as to compliance with the recommendations. Ordered, letter written the company on the subject. (No. 44 — 1905.)

In the matter of recommendations of this Board to the New York, Chicago and St. Louis Railroad Company and the Pennsylvania Railroad Company as to bridge at Irving, in which the inspector has made a supplementary report dated December 11, 1905, letters dated January 13 and February 5, 1906, were received from the New York, Chicago and St. Louis Railroad Company and a letter, dated January 9, 1906, was received from the Pennsylvania Railroad Company. Ordered filed. (No. 40 — 1905.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 13, 1900, as to changing the Chatham street, Niverville, town of Kinderhook, Columbia county, grade crossing of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an undercrossing of said railroad, and modified determination, contained in a letter, dated June 8, 1903, from this Board to Walter Shepard, chief engineer, Boston and Albany Railroad, there was submitted to the Board by Gardenier & Smith, attorneys, New York Central and Hudson River Railroad Company, a letter, dated January 9, 1906, from Supreme Court Justice Fitts to them, in relation to certain expenditures made by the town in legal proceedings in this matter being included in the cost of the work, the letter of Justice Fitts being to the effect

that they should not be included (see minutes of August 10, 1904). Ordered letter written attorneys for the town and company on the subject. (Grade Crossing Case No. 160.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination, dated December 21, 1904, as to the closing and discontinuance of two highway grade crossings of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the town of Chatham, Columbia county, known as Cady's crossings, and the changing of one to an undercrossing of said railroad and the closing and discontinuance of the other, the travel therefrom to be diverted to the undercrossing by the construction of a new piece of highway—detail plans for the work, except for the bridge, and specifications for the masonry of the bridge to carry the railroad and specifications for grading were submitted to the Board by the company, together with a report thereon, dated February 5, 1906, from the superintendent of the grade crossing bureau. Ordered said detail plans and specifications approved and that the company be written for detail plans and specifications for the bridge. (Grade Crossing Case No. 494.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination, dated September 29, 1904, as to the construction of an undercrossing for pedestrians of the New York Central and Hudson River Railroad, at Main street, Herkimer, an accounting and settlement of the cost of the work between the village of Herkimer and the railroad company was submitted to the Board, together with a report thereon, dated February 13, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost of said work, namely, \$2,694.77, be paid to the New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 498.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by the Delaware and Hudson Company, in Schenectady, from grade to undercrossings, a report, dated February 2, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1902, as to changing the Pine, Fonda, Nott and Romeyn street grade crossings of the railroad operated by The Delaware and Hudson Company, in Schenectady, to undercrossings, a report, dated February 2, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 390.)

A letter dated February 10, 1906, was received from Ira A. Place, general counsel of the New York Central and Hudson River Railroad Company, together with a form of proposed bill, as to appropriation of \$450,000 for the State's proportion of the cost of elimination of grade crossings of said company's railroad, under section 62 of the Railroad Law, in grade crossing cases Nos. 533, 534, 535, 536, 545, 549, 550, 551, 552, 553, now pending before the Board. Ordered carried on file.

In the matter of the determination of this Board, under section 62 of the Railroad Law dated June 14, 1904, as to the closing and discontinuance of the Light's grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad Company in the town of Carmel, Putnam county, and the construction of new pieces of highway and an overhead crossing of said railroad at a different point, preambles and resolutions were received from the town board of the town of South East in relation to the approach to said overcrossing in said town. Ordered filed. A letter dated January 23, 1906, was written the company on this subject. (Grade Crossing Case No. 398.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 378 of the Laws of 1902, dated October 9, 1902, as to the changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, detail superstructural plans for the work at State and Union streets and at the station viaduct were submitted to the Board by the New York Central and Hudson River Railroad Company, together with a report thereon, dated January 24, 1906, from the superintendent of the grade crossing bureau. Ordered said detail superstructural plans approved. (Grade Crossing Case No. 369.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the South Country road grade crossing of its railroad in the town of Islip, Suffolk county, situated at a point about 2,284 feet easterly of the Great River station on said railroad to an overcrossing. Ordered filed. (Grade Crossing Case No. 583.)

Petition of the New York Central and Hudson River Railroad Company and the Terminal Railway of Buffalo (joined), under section 60 of the Railroad Law, for a determination as to the manner in which two tracks of the Terminal Railway of Buffalo, proposed to be constructed in the town of Hamburg, Erie county, shall cross the Lake View avenue and the Mile Strip road highways in said town, it being proposed by the petition that said tracks shall cross the Mile Strip road highway at grade and shall cross Lake View avenue highway above the grade of the highway. Ordered hearing set for Wednesday, March 14, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 584.)

Orders.

Application of the Delaware and Eastern Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing highways and a street in the county of Delaware. Determination, as shown by office original determination on file. There was filed with the Board a written consent of a majority of the town board of the town of Hancock as to the crossings in said town. (Grade Crossing Case No. 574.)

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the changing of the Peek and Nott street grade crossings of the Troy and Schenectady branch of said company's railroad in the city of Schenectady from grade to undercrossings of the railroad and as to necessary modifications at Fonda and Center streets. Determination, as shown by office original determination on file, that the crossings shall be changed to undercrossings and the necessary modifications at Fonda and Center streets made. (Grade Crossing Case No. 477.)

Application of the New York, New Haven and Hartford Railroad Company on its own behalf and on behalf of its lessor, the New England Railroad Company, under section 60 of the Railroad Law, for a determination by the Board of the manner in which a second track of the Highland division of its railroad shall cross streets, avenues and highways in the counties of Dutchess and Putnam. Determination as shown by office original determination on file. (Grade Crossing Case No. 559.)

Petition of the New York, New Haven and Hartford Railroad Company, under section 62 of the Railroad Law, as to changing a grade crossing of the Highland division of its railroad by a highway at a point known as the first grade crossing west of the bridge over the Croton river at Brewster in the town of South East, Putnam county, to an undercrossing of said railroad. Denied. (Grade Crossing Case No. 556.)

Application of the Keeseville, Ausable Chasm and Lake Champlain Railroad Company, under section 68 of the Railroad Law, for a determination as to whether its railroad shall cross the New York and Canada Railroad (leased to and operated by the Delaware and Hudson Company) at Port Kent, above, below or at the grade of the New York and Canada Railroad. Determination, as shown by office original determination on file, that the

Keeseville, Ausable Chasm and Lake Champlain Railroad shall cross the New York and Canada Railroad below the grade of the New York and Canada Railroad. (Case No. 3315.)

W. B. Van Alstyne against the Albany and Hudson Railroad Company as to not giving receipts for milk shipped at Kinderhook and receipts for empty cans delivered at Albany. Ordered letter of recommendation written company that receipts for milk should be given at Kinderhook and receipts for empty cans should be given at Albany. (Case No. 3462.)

Bills Approved.

The following bills were approved:

General Expenses.

Karl F. Colson (expenses)	\$30 75
Wm. McNeilly (expenses)	13 50
J. D. Shultz (expenses)	45 50
Chas. R. Barnes (October, 1905, expenses)	106 62
Western Union Telegraph Company	3 61
Harry J. Sternberg	11 46
F. D. Sargent	30 63
Hudson Valley Paper Company	17 40
American Express Company	22 95
National Express Company	70 73
John R. McClellan	17 00
Thomas J. Cowell	17 88
Brandow Printing Company	562 29
Brandow Printing Company	142 51
Brandow Printing Company	241 80
Oliver A. Quayle	45 28
J. B. Lyon Company	20 00
Philip J. Henzel	29 64
Philip J. Henzel	3 00
Albany Law Journal Co.	3 00
"Klips," E. C. Cuyler, Secretary-Treasurer	25 00
Murray Hill Hotel	21 30
A. H. Olapp	28 25
Postal Telegraph-Cable Company	20 69
Western Union Telegraph Company	17 71
Adams & Grace Company	16 40
Great Bear Spring Company	3 60
Engineering News	5 00
G. Dorn (typewriting)	20 00
Margaret E. Templeton (typewriting)	117 00
Wm. McNeilly (postage stamps)	100 00
Battery Place Realty Company (February rent)	150 00
New York city. { George A. Traver, supt.	2 60
{ H. C. Keyes (Steno. services)	125 00
{ New York Telephone Company	16 31
	<hr/>
	\$2,104 41

Grade Crossing Expenses.

James E. Brazee (expenses)	\$75 39
A. H. Sutermeister (expenses)	32 50
F. E. Colwell & Co.	2 51
	<hr/>
	\$110 40

The Board adjourned.

NEW YORK, FEBRUARY 20, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Application of the Bronx, Yonkers and White Plains Railway Company (street surface—new application on new articles of association) for a certificate under section 59 of the Railroad Law. Daniel DeWolf Wever, attorney, and W. C. Shires, president, for the applicant; Mills & Johnson (Isaac N. Mills appearing) and H. A. Robinson for the Yonkers Railroad Company, in opposition; Thomas F. Curran, city attorney, for the city of Yonkers; A. B. Quencer for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was adjourned until Friday, February 23, 1906, 11 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. The evidence as to public convenience and necessity on the application of this company which was dismissed owing to defective articles of association (Case No. 3319) was offered in this case by the applicant, and not objected to by the opposition, and received. This evidence, with what was taken to-day, closed the case of the applicant except in rebuttal and except so far as to the *bona fides* and ability of the applicant company to build its railroad is concerned. The opposition by Yonkers Railroad Company will be presented on the 23d inst. (Case No. 3486.)

Application of the New York City Railway Company on its own behalf and on behalf of its lessor, the Metropolitan Street Railway Company, and its lessor, the Eighth Avenue Railroad Company, for approval of a change of motive power from horses to an underground current of electricity upon the railroad of the Eighth Avenue Railroad Company on Vesey street between Church street and Broadway, New York city. H. A. Robinson for the applicant. After hearing arguments the application was granted. (Case No. 3513.)

Adjourned hearing in the application of the Williams Terminal Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Dykman & Carr (Albert F. Britton appearing) for the applicant; Fullerton Wells for the Twelfth Assembly District (Brooklyn) Municipal Ownership League, in opposition. After hearing evidence and arguments the evidence was closed, and in executive session evidence was heard as to the *bona fides* of the application and the ability of the company to construct the railroad. (Case No. 3454.)

A. W. Young, chairman, executive committee of the New York State legislative board, and John J. Winters, William Raymond and James E. Clark, members of the Brotherhood of Locomotive Engineers, appeared before the Board in relation to the "use of all flangers on engines hauling regular or extra trains, as we consider it unsafe," and made a statement and filed with the Board a letter dated February 12, 1906, and plan of the Priest flanger. After hearing arguments the matter was referred to Commissioners Baker and Rockwell to report to the Board. (Case No. 3518.)

Reports.

In the matter of the recommendation of this Board dated September 22, 1905, to the Interborough Rapid Transit Company, growing out of an accident on its Manhattan Railway division at Fifty-third street and Ninth avenue, September 11, 1905, the electrical expert made a verbal report to the Board approving a plan submitted to the Board by the Interborough Rapid Transit Company in compliance with the first recommendation as to signals at the point in question. Ordered said plan approved. (Street Case No. 28—1905.)

Orders.

Application of the New York City Railway Company on its own behalf and on behalf of its lessor, the Metropolitan Street Railway Company, and

its lessor, the Eighth Avenue Railroad Company, for approval of a change of motive power from horses to an underground current of electricity upon the railroad of the Eighth Avenue Railroad Company on Vesey street between Church street and Broadway, New York city. Granted. (Case No. 3513.)

Application of the Williams Terminal Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3454.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Application of the Delaware and Eastern Railroad Company for approval of a first mortgage for one million dollars (\$1,000,000). Edward J. Welch for the applicant. After hearing evidence and arguments the evidence was closed. (Case No. 3505.)

George L. Lewis, for the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company, who was to appear before the Board on this date at 2 p. m., in the matter of mortgages, did not appear nor did any one representing said companies appear. Ordered letter written Mr. Lewis as shown by office original letter on file. (Cases Nos. 2989 and 3368.)

In the matter of the application of the New York City Inter-Borough Railway Company, under section 68 of the Railroad Law, as to crossing the New York and Harlem Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on an existing bridge at One Hundred and Eightieth street, in the Borough of the Bronx, New York city, George H. Walker appeared before the Board for the New York Central and Hudson River Railroad Company and a representative of Strong & Cadwalader appeared before the Board representing the New York City Inter-Borough Railway Company. The matter was not considered to-day inasmuch as an agreement between the companies is not ready to be submitted to the Board. It may be there will be no further hearing in this matter, but the agreement may be submitted by mail. (Case No. 3399.)

In the matter of recommendations of this Board to the company dated December 21, 1905, growing out of an accident on the New York Central and Hudson River Railroad on Fourth avenue, near One Hundred and Fourth street, New York city, A. T. Harding, assistant to the general manager; W. H. Elliott, signal engineer; H. S. Balliett, signal engineer, electric division; and I. A. McCormack, manager of the Harlem line, appeared before the Board for the company in relation to the recommendation as to discretionary power not being given to the towermen at this point and submitted a letter dated February 19, 1906, to the Board from A. H. Smith, general manager of the company, as to this recommendation. Ordered carried on file. (Steam Case No. 41 — 1905.)

In the matter of the recommendation of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company as to collision between freight trains on the Pennsylvania division of said company's railroad on January 8, 1906, P. E. Crowley, assistant general superintendent of the company, appeared before the Board. It was ordered that the recommendation of the Board in this matter be rescinded and that the company be notified that it should call the special attention of employees to the necessity of carrying out order No. 19 and the rules in connection with the 19 order. (Steam Case No. 5 — 1906.)

Complaints.

Citizens' Improvement League of Kensington, Parkville and vicinity, Brooklyn, against the Brooklyn Heights Railroad Company as to service

rendered the public. A letter dated February 16, 1906, was received from the company as to compliance with the recommendations of the Board contained in a letter dated February 6, 1906, of the Board to the company. Ordered that the electrical expert of the Board make a report in this matter. (Case No. 3476.)

Reports.

In the matter of a letter from this Board dated January 17, 1906, to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905, a further report dated February 19, 1906, was received from the inspector of grade crossings. Ordered filed. (Steam Case No. 46—1905.)

Crossings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double track steam railroad crossing streets, avenues and highways in the county of Erie. Ordered hearing set for Tuesday, March 6, 1906, 2 p. m., at the office of the Board in Albany. (Grade Crossing Case No. 586.)

The Board adjourned.

NEW YORK, FEBRUARY 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Bronx, Yonkers and White Plains Railway Company (street surface—new application on new articles of association) for a certificate under section 59 of the Railroad Law. Daniel DeWolf Wever and F. M. Winslow for the applicant; Mills & Johnson (Isaac N. Mills appearing) for the Yonkers Railroad Company, in opposition; A. B. Quencer for the New York Central and Hudson River Railroad Company. The opposition of the Yonkers Railroad Company was presented on this date; no witnesses were sworn, but the testimony, including exhibits, maps and photographs which were presented by the Yonkers Railroad Company in opposition on the application of this company which was dismissed owing to defective articles of association (Case No. 3919), were offered in this case by the Yonkers Railroad Company, and not objected to by the applicant, and received. The evidence is closed except so far as the *bona fides* and ability of the applicant to build its railroad is concerned which the applicant is to present to the Board at a meeting in Geneva on the 27th inst. or at a meeting of the Board in Albany on March 6, 1906. (Case No. 3486.)

Reports.

In the matter of the recommendations of this Board as to the equipment of cars of the Union Railway Company with sand-boxes, the recommendations growing out of a report of the electrical expert as to derailment of a car on said company's railway on Burnside avenue, December 12, 1904, Commissioners Baker and Rockwell made a verbal report. Ordered letter written the company as shown by office original on file. (Street Case No. 50—1904.)

Orders.

Application of the New York, Auburn and Lansing Railroad Company for consent to the issue of a first mortgage for two million five hundred thousand dollars (\$2,500,000). Denied. (Case No. 3470.)

The Board adjourned.

MINUTES OF THE BOARD.**GENEVA, FEBRUARY 27, 1906.**

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. L. G. Hoskins for the applicant; Harris & Harris (Daniel M. Beach appearing) for the New York Central and Hudson River Railroad Company, in opposition; Goodelle, Nottingham Brothers & Andrews (Nathan Abelson appearing) for the Newark and Marion Railway Company; W. H. Welch for the Northern Central Railroad Company, not in opposition. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3473.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Tuesday, March 20, 1906, 11 a. m., at the Yates Hotel in Syracuse. (Case No. 3473.)

The matter of the *bona fides* of the application of the Bronx, Yonkers and White Plains Railway Company under section 59 of the Railroad Law was not presented on this date. See minutes of February 23, 1906. (Case No. 3486.)

The Board adjourned.

ALBANY, MARCH 6, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of February 13, 20, 23 and 27 were read and approved. Commissioner Dickey was elected acting chairman, Chairman Dunn being absent.

Complaints.

Board of supervisors of Monroe county against the Rochester and Sodus Bay Railway Company as to service rendered the public. A report, dated February 21, 1906, was received from the electrical expert. Ordered filed. A letter, dated February 17, 1906, received from the company. Ordered filed. Ordered the electrical expert make a further report in this matter as to the new time table of the company. (Case No. 3503.)

N. E. Hutchens and supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to operation of cars in Monroe county. Letter dated February 21, 1906, received from the company, stating that the recommendation of the Board would be complied with. Ordered the electrical expert make a report in the future as to whether the recommendation is complied with. (Case No. 3458.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to service rendered the public. Reply of complainants to answer of company received. Ordered case referred to Commissioners Baker and Rockwell. (Case No. 3491.)

Louis H. Pink for the Milton Club against the New York City Railway

Company as to the operation of cars on its East Side lines and as to changing those operated by horses to electrical operation. Copy sent company. Ordered, hearing set for Tuesday, March 27, 1906, 10:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3524.)

George V. Fowler against the Yonkers Railroad Company as to service rendered the public. Answer of company received. Closed. (Case No. 3507.)

Preambles and resolution of the board of aldermen of New York city in relation to heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Letter dated February 24, 1906, received from the Brooklyn Heights Railroad Company, stating that the recommendations of the Board would be complied with, and that a weekly statement as to the heating of the cars would be submitted here. Ordered copy sent to the city clerk of New York city. (Case No. 3509.)

Residents of Nunda, Canaseraga and vicinity against the Pennsylvania Railroad Company. A verbal report was made by Commissioner Baker. Closed. (Case No. 3140.)

William P. Gregg and others against the New York, Ontario and Western Railway Company as to alleged abandonment of the Cuddebackville station of said company on its Port Jervis and Monticello branch. Answer of company received. Ordered copy sent complainants. (Case No. 3455.)

Residents of Sherman Park against the New York Central and Hudson River Railroad Company as to the construction of a station at that point on said company's Harlem division. Letter dated March 2, 1906, received from company, stating that the construction of the station would be commenced at once "and it is our expectation to have it completed by May 15." Copy sent complainants. Closed. (Case No. 3393.)

Henry White against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at the station of said company at Houston street and Bowery, New York city. A report dated February 27, 1906, was received from the inspector of grade crossings. Ordered that the company be notified to appear before the Board on Tuesday, March 27, 1906, 11:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city, as to its non-compliance with the recommendations of the Board in this matter and as to stairways at other stations. (Case No. 3112.)

West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company in relation to operation of cars on that company's Fifth avenue surface line between the Thirty-sixth street terminal of the Fifth avenue line and Sixty-fifth street and Fifth avenue. Copy sent company. Answer of company received. Copy sent complainants. (Case No. 3514.)

Harrison Wells of Cortland against the Delaware, Lackawanna and Western Railroad Company as to alleged refusal to switch loaded coal cars for the Red Ash Coal Company on switch of complainant. Copy sent company. (Case No. 3519.)

Charles Walter of Liverpool against the Silver Lake Railway Company as to refusal to accept shipment of freight. Answer of company received. Copy of main part of the answer sent complainant. Closed. (Case No. 3506.)

U. S. Grant Oure against the Ulster and Delaware Railroad Company as to freight rates on hard coal. Answer of the company received. Copy sent complainant. Ordered that the inspector make a report in this matter. (Case No. 3496.)

Daniel A. Moran against the Long Island Railroad Company as to its passenger station at Valley Stream, and as to changing cars at Jamaica. Answer of company received. Copy sent complainant. Reply of complainant received. A report dated March 3, 1906, received from the inspector. Ordered letter of recommendation written company as to the lamps at the Valley Stream station, as shown by office original letter on file. (Case No. 3502.)

Grace H. Rover against the Brooklyn Heights Railroad Company as to

lack of shelter station for passengers at Church and Rockaway avenues. Report dated January 29, 1906, received from the electrical expert, stating that the recommendation of the Board as to waiting car at this point had been complied with. Closed. (Case No. 3470.)

Hearings.

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double-tracked branch railroad proposed to be constructed by it shall cross streets, avenues and highways in the county of Erie; and application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double tracked railroad crossing streets, avenues and highways in the county of Erie. Frank Rumsey for the Western New York and Pennsylvania Railway and Pennsylvania Railroad companies; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh and Lake Erie Railroad Company; John W. Fisher for the town of West Seneca and the town board of the town of Cheektowaga. After hearing evidence and arguments the hearings were closed. These two matters were heard together as the Western New York and Pennsylvania Railway Company's crossings and the Lehigh and Lake Erie Railroad Company's crossings are to be together at the points in question. (Grade Crossing Cases Nos. 586 and 587.)

George L. Lewis appeared before the Board for the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company in the matter of mortgages. The Board determined that on or before the 15th of April, 1906, Mr. Lewis must file with it satisfactory evidence that the mortgage of the Buffalo and Williamsville Electric Railway Company for \$3,500,000 is discharged and that \$117,500 bonds issued under said mortgage have been canceled, or the Board will consider the question of annulling its determination in the application of the Buffalo, Batavia and Rochester Electric Railway Company for consent to the issue of a first mortgage for \$3,500,000. (Cases Nos. 2989 and 3368.)

F. J. Mackenna appeared before the Board in relation to plans for the Pine street, Niagara Falls, overcrossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company and in relation to plans for the Niagara street undercrossing of the Erie Railroad. Niagara Falls, in both of which matters this Board has made determinations under section 62 of the Railroad Law. W. P. Cooke appeared in the first of these matters for the Buffalo, Thousand Islands and Portland Railroad Company. Ordered letter written the Erie Railroad Company, as shown by copy on file. (Grade Crossing Cases Nos. 293 and 501.)

Complaints.

In the matter of complaint of Brotherhood of Locomotive Engineers as to use of flangers on engines, a letter dated February 28, 1906, was received from the Railway Appliances Company, which manufactures the Priest flanger, asking to be heard. Ordered hearing in this matter set for Tuesday, March 27, 1906, 12:30 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3518.)

In the matter of the recommendations of this Board in the complaint of E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public, a letter dated February 21, 1906, was received from the company stating that the recommendations would be complied with, except that as to dividing the railroad into two dispatching divisions, and asking that this recommendation be rescinded. Ordered that the company be notified that the Board would suspend for the present the operation of the recommendation as to dividing the road into two dispatching divisions. (Case No. 3402.)

Judson G. Wall against the New York City Railway Company as to issue of certain notes. This complaint was received through the Governor. Copy sent company. Answer of company received. Copy sent complainant and Governor. (Case No. 3520.)

John H. Coyne, mayor of Yonkers, against the New York Central and Hudson River Railroad Company as to charge for single trip tickets on its New York and Putnam division, from Getty Square, Yonkers, to One Hundred and Fifty-fifth street, New York city. Ordered copy sent company. (Case No. 3526.)

Applications.

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Erie Railroad in an undercrossing in the village of Salamanca. Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Case No. 3521.)

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Buffalo, Rochester and Pittsburgh Railway in the town of Great Valley and the village of Salamanca (two crossings, the one in the village of Salamanca being of a switch). Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Case No. 3522.)

Application of the Hudson Valley Railway Company for approval of an increase of its capital stock from \$3,000,000 to \$5,500,000. Ordered hearing set for Tuesday, March 13, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3525.)

Application of the Delaware and Eastern Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs. Report dated March 2, 1906, in this matter received from the inspector. Ordered filed. (Case No. 3523.)

In the matter of the application of the Bronx, Yonkers and White Plains Railway Company for a certificate, under section 59 of the Railroad Law, a letter dated March 5, 1906, was received from the mayor of Yonkers stating that the franchise "heretofore granted to the Bronx, Yonkers and White Plains Railway Company" had been rescinded. Ordered filed. (This letter is filed with Case No. 3486, and not with Case No. 3319.)

Application of the New York Central and Hudson River Railroad Company for approval of a method of signalling in the Park avenue tunnel, New York city. Ordered carried on file. (Case No. 3527.)

Reports.

A report dated March 2, 1906, was received from the inspector as to the physical condition of the portion of the Staten Island Rapid Transit Railway from Tottenville to Huguenot. Ordered filed. Closed. (Case No. 3516.)

In the matter of the recommendations of this Board, contained in a letter dated December 18, 1905, to the Erie Railroad Company, growing out of a report of the inspector as to the physical condition of the railroad of said company in this State, letters dated February 23 and 27, 1906, were received from the company as to compliance with these recommendations. Ordered filed. (No. 44—1905.)

In the matter of the recommendations of this Board as to derailling switches in the electric railroad where the electric division of the Fonda, Johnstown and Gloversville Railroad Company crosses the steam division, a letter dated February 14, 1906, was received from the company, stating that the derailling switches are at hand and ready for installation and will be installed when the weather permits. Ordered filed. (Case No. 3215.)

In the matter of the recommendation of this Board as to the installation of derailling switches in the railroad of the Wallkill Transit Company at a point in North street, Middletown, where it crosses the Erie Railroad, a letter dated February 15, 1906, was received from the Wallkill Transit Company. Ordered letter written the Erie Railroad Company on the subject. (Case No. 3340.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated June 20, 1905, as to the Long Island Electric Railway crossing at grade temporarily the Long Island Railroad in the Jamaica and Hempstead Turnpike, a letter dated February 19, 1906, was received from the electric railway company stating that the derailing switches in the electric railway and overhead trolley on its trolley wire had been constructed. Ordered filed. A report dated January 29, 1906, on this subject was received from the inspector of grade crossings. (Case No. 3303.)

In the matter of reports of the superintendent of the grade crossing bureau, dated April 1 and 18, 1905, as to bridge carrying the Hudson Valley Railway over The Delaware and Hudson Company's railroad at Broadway, Fort Edward, a letter dated February 16, 1906, was received from the company. Ordered filed. Closed. (Case No. 3321.)

In the matter of the recommendations of this Board to the Staten Island Transit Railway Company contained in a letter to the company dated November 16, 1905, a letter dated March 5, 1906, was received from the company as to compliance therewith. Ordered filed. (Case No. 3443.)

In the matter of the recommendations of this Board to the New York Central and Hudson River Railroad Company, dated December 21, 1905, growing out of an accident on said company's railroad at Fourth avenue near One Hundred and Fourth street, New York city, December 19, 1905, in the matter of which recommendations there was a hearing before the Board in New York on February 20, 1906, in relation to the recommendation as to discretionary power not being given to the towerman at this point, the Board determined that in view of the explanation made by representatives of the company at said hearing, said recommendation shall be suspended. (Steam Case No. 41—1905.)

In the matter of the recommendation of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company, as to a collision between freight trains on the Pennsylvania division of said company's railroad on January 8, 1906, and in the matter of the rescinding of the recommendation in a letter dated February 28, 1906, from the Board to the company in which letter it is stated that the special attention of employees should be called to the carrying out of order No. 19—a letter dated March 2, 1906, was received from the company stating that the special attention of employees would be called to the necessity of carrying out of order No. 19. Ordered filed. (Steam Case No. 5—1906.)

In the matter of the recommendation of this Board growing out of a derailment of a passenger train on the New York and Ottawa Railroad near Bay Pond, December 28, 1905, contained in a letter to the company dated February 19, 1906—a letter dated February 22, 1906, was received from the company stating that the recommendation would be complied with. Ordered filed. (Steam Case No. 44—1905.)

In the matter of a letter dated January 17, 1906, from this Board to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905, a letter dated March 1, 1906, was received from the company. Ordered letter written the company as shown by copy on file. (Steam Case No. 46—1905.)

In the matter of the recommendation of this Board contained in a letter to the company dated February 19, 1906, growing out of a collision on the New York Central and Hudson River Railroad at Bergen, January 1, 1906, a letter dated March 2, 1906, was received from the company stating the recommendation would be complied with. Ordered filed. (Steam Case No. 1—1906.)

In the matter of the recommendation of this Board contained in a letter dated April 7, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a light engine at the Niagara street grade crossing of the Erie Railroad in Buffalo, a letter dated February 26, 1906, was received from the company as to the

recommendation. Ordered letter written company that the recommendation should be complied with. (Street Case No. 54—1904.)

In the matter of the recommendation of this Board contained in a letter dated April 5, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a Rome, Watertown and Ogdensburg Railroad engine at the Second street crossing of the New York Central and Hudson River Railroad in Niagara Falls, a letter dated February 26, 1906, was received from the company as to the recommendation. Ordered letter written company that the recommendation should be complied with. (Street Case No. 52—1904.)

Report of the inspector dated February 24, 1906, as to rear collision between freight trains on the New York Central and Hudson River Railroad at Seneca River, February 8, 1906. Ordered copy sent company. (Steam Case No. 13—1906.)

In the matter of a report of the Board dated February 13, 1906, as to an accident on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) January 22, 1906, at Navy street junction, a letter dated March 2, 1906, was received from the company as to the mortorman, Louis Muller. Ordered letter written company as shown by copy on file. (Street Case No. 6—1906.)

Crossings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double track railroad crossing a highway known as Dingens street in the town of Cheektowaga, Erie county. Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 589.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of the East Fourth and Schuyler streets grade crossings of the New York, Ontario and Western Railway and the railroad operated by the New York Central and Hudson River Railroad Company, in the city of Oswego, the construction of a new piece of street from East Fourth to Schuyler street, and the construction of an undercrossing of said railroads at East Seventh street at the intersection of Schuyler street—new detail plans and estimate for this work were submitted to the Board by the New York, Ontario and Western Railway Company. Ordered said new plans and estimate approved. These plans and estimate take the place of plans and estimate approved by this Board, December 13, 1905. The specifications approved December 13 stand, except as noted on these plans. (Grade Crossing Case No. 527.)

Petition of the town board of the town of Riverhead, Suffolk county, under section 62 of the Railroad Law, as to the closing and discontinuance of the Country road or Forge road highway grade crossing of the Long Island Railroad in said town, and the diversion of the travel therefrom to an overhead crossing of said railroad, proposed to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by the Country road or Forge road, by the construction of a new piece of highway. Ordered hearing set for Tuesday, March 27, 1906, 3 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Grade Crossing Case No. 588.)

Petition of the Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, as to changing a highway grade crossing of said company's railroad in the town of Vestal, Broome county, to an undercrossing. Ordered carried on file. (Grade Crossing Case No. 585.)

In the matter of the petition of the president and trustees of the village of Waverly, under section 62 of the Railroad Law, as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad in said village to an overhead crossing of the railroad, Commissioner Baker made a report, dated March 5, 1906. Ordered hearing in this matter be set before Com-

missioner Baker at Waverly, on a date to be fixed by him. (Grade Crossing Case No. 576.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 15, 1902, as to the closing and discontinuance of the Van Vleck or Lakeside highway grade crossing of the New York Central and Hudson River Railroad and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the construction of an overcrossing of said railroads and the Oswego and Syracuse Railroad (leased to and operated by the Delaware, Lackawanna and Western Railroad Company) in the town of Geddes, Onondaga county, a report dated February 27, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 174.)

In the matter of the petition of the president and trustees of the village of Westfield, Chautauqua county, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing, which matter is pending, a report dated February 27, 1906, was received from the superintendent of the grade crossing bureau as to the proposed structure. Ordered carried on file. (Grade Crossing Case No. 565.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 17, 1900, as to changing the Arsenal street, Watertown, grade crossing of the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an overcrossing, a supplemental accounting and settlement of the cost of the work between the city of Watertown and the railroad company was submitted to the Board, together with a report thereon dated March 5, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost under said supplemental accounting, viz., sixty-eight dollars and sixty-nine cents (\$68.69), be paid to the New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 173.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing and discontinuance of the Croton and Drewsville road highway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the town of Carmel, Putnam county, at a point known as Light's crossing, and the construction of new piece of highway and an overhead bridge crossing of said railroad, a detail white print plan for the work was submitted to the Board by the company, together with a report thereon dated March 5, 1906, from the superintendent of the grade crossing bureau, said plan so far as the change in the northerly approach is concerned bearing the approval of the town of South East, of the town of Carmel and of the railroad company, and so far as the total work is concerned bearing a copy of the approval of the town of Carmel, of the Board of Railroad Commissioners and of the New York Central and Hudson River Railroad Company. Ordered said detail plan approved to take the place of a plan approved on the minutes of February 8, 1906. (Grade Crossing Case No. 398.)

The annual report of the Pelham Park Railroad Company, for the year ending June 30, 1905, was received from the Attorney-General, the matter of failure of the company to file the report having been turned over to him. Ordered that so far as this company is concerned the Attorney-General be notified the Board does not desire him to proceed further in the matter.

Orders.

Application of the Delaware and Eastern Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs. Determination as shown by office original determination on file. (Case No. 3523.)

Petition of the Central New England Railway Company, under section 62 of the Railroad Law, as to the closing and discontinuance of a grade crossing

of said company's railway by a highway in the town of Pleasant Valley, Dutchess county, at a point immediately east of the Pleasant Valley station of said railway company, and the construction of a new piece of highway north of said company's railway from the said first-named highway to a highway known as Poughkeepsie road, which Poughkeepsie road now crosses said railway at grade west of said station. Determination, as shown by office original determination on file, that the crossing shall be closed, the travel to be diverted to the Poughkeepsie road highway crossing of said railway by the construction of a new connecting piece of highway if the existing connecting road is not a highway. (Grade Crossing Case No. 557.)

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double-tracked branch railroad proposed to be constructed by it shall cross streets, avenues and highways in the county of Erie. Determination as shown by office original determination on file. (Grade Crossing Case No. 587.)

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its double-tracked railroad proposed to be constructed shall cross streets, avenues and highways in the county of Erie. Determination as shown by office original determination on file. (Grade Crossing Case No. 586.)

Hearings.

Edward C. Buchenau and G. M. Carnochan against the Erie Railroad Company relative to passenger train service from New City. Mr. Buchenau and Mr. Carnochan appeared in person; G. N. Orcutt appeared for the Erie Railroad Company. After hearing arguments the hearing was closed. It was stated that the Erie Railroad Company has purchased a motor car for use on the New City branch. (Case No. 3342.)

Bills Approved.

The following bills were approved:

General Expenses.

J. D. Shultz (expenses).....	\$39 00
John J. Farley (expenses).....	23 00
A. L. Judson (expenses).....	10 00
F. H. Coggeshall (expenses).....	6 00
Frank M. Baker	7 00
William H. Terrell	5 00
"Klips," E. C. Cuyler, Secy.-Treas.....	25 00
Postal Telegraph Cable Co.....	7 22
Hudson River Telephone Co.....	20 85
Battery Place Realty Co. (March rent—New York office)	150 00
George A. Travers, Supt. (January).....	2 70
George A. Travers, Supt. (February).....	2 40
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	\$298 17
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Grade Crossing Expenses.

James E. Brazee (expenses).....	\$66 15
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The Board adjourned.

its lessor, the Eighth Avenue Railroad Company, for approval of a change of motive power from horses to an underground current of electricity upon the railroad of the Eighth Avenue Railroad Company on Vesey street between Church street and Broadway, New York city. Granted. (Case No. 3513.)

Application of the Williams Terminal Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3454.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Application of the Delaware and Eastern Railroad Company for approval of a first mortgage for one million dollars (\$1,000,000). Edward J. Welch for the applicant. After hearing evidence and arguments the evidence was closed. (Case No. 3505.)

George L. Lewis, for the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company, who was to appear before the Board on this date at 2 p. m., in the matter of mortgages, did not appear nor did any one representing said companies appear. Ordered letter written Mr. Lewis as shown by office original letter on file. (Cases Nos. 2989 and 3368.)

In the matter of the application of the New York City Inter-Borough Railway Company, under section 68 of the Railroad Law, as to crossing the New York and Harlem Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on an existing bridge at One Hundred and Eightieth street, in the Borough of the Bronx, New York city, George H. Walker appeared before the Board for the New York Central and Hudson River Railroad Company and a representative of Strong & Cadwalader appeared before the Board representing the New York City Inter-Borough Railway Company. The matter was not considered to-day inasmuch as an agreement between the companies is not ready to be submitted to the Board. It may be there will be no further hearing in this matter, but the agreement may be submitted by mail. (Case No. 3399.)

In the matter of recommendations of this Board to the company dated December 21, 1905, growing out of an accident on the New York Central and Hudson River Railroad on Fourth avenue, near One Hundred and Fourth street, New York city, A. T. Harding, assistant to the general manager; W. H. Elliott, signal engineer; H. S. Balliett, signal engineer, electric division; and I. A. McCormack, manager of the Harlem line, appeared before the Board for the company in relation to the recommendation as to discretionary power not being given to the towermen at this point and submitted a letter dated February 19, 1906, to the Board from A. H. Smith, general manager of the company, as to this recommendation. Ordered carried on file. (Steam Case No. 41 — 1905.)

In the matter of the recommendation of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company as to collision between freight trains on the Pennsylvania division of said company's railroad on January 8, 1906, P. E. Crowley, assistant general superintendent of the company, appeared before the Board. It was ordered that the recommendation of the Board in this matter be rescinded and that the company be notified that it should call the special attention of employees to the necessity of carrying out order No. 19 and the rules in connection with the 19 order. (Steam Case No. 5 — 1906.)

Complaints.

Citizens' Improvement League of Kensington, Parkville and vicinity. Brooklyn, against the Brooklyn Heights Railroad Company as to service

rendered the public. A letter dated February 16, 1906, was received from the company as to compliance with the recommendations of the Board contained in a letter dated February 6, 1906, of the Board to the company. Ordered that the electrical expert of the Board make a report in this matter. (Case No. 3476.)

Reports.

In the matter of a letter from this Board dated January 17, 1906, to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905, a further report dated February 19, 1906, was received from the inspector of grade crossings. Ordered filed. (Steam Case No. 46—1905.)

Crossings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double track steam railroad crossing streets, avenues and highways in the county of Erie. Ordered hearing set for Tuesday, March 6, 1906, 2 p. m., at the office of the Board in Albany. (Grade Crossing Case No. 586.)

The Board adjourned.

NEW YORK, FEBRUARY 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Bronx, Yonkers and White Plains Railway Company (street surface—new application on new articles of association) for a certificate under section 59 of the Railroad Law. Daniel DeWolf Wever and F. M. Winslow for the applicant; Mills & Johnson (Isaac N. Mills appearing) for the Yonkers Railroad Company, in opposition; A. B. Quencer for the New York Central and Hudson River Railroad Company. The opposition of the Yonkers Railroad Company was presented on this date; no witnesses were sworn, but the testimony, including exhibits, maps and photographs which were presented by the Yonkers Railroad Company in opposition on the application of this company which was dismissed owing to defective articles of association (Case No. 3919), were offered in this case by the Yonkers Railroad Company, and not objected to by the applicant, and received. The evidence is closed except so far as the *bona fides* and ability of the applicant to build its railroad is concerned which the applicant is to present to the Board at a meeting in Geneva on the 27th inst. or at a meeting of the Board in Albany on March 6, 1906. (Case No. 3486.)

Reports.

In the matter of the recommendations of this Board as to the equipment of cars of the Union Railway Company with sand-boxes, the recommendations growing out of a report of the electrical expert as to derailment of a car on said company's railway on Burnside avenue, December 12, 1904, Commissioners Baker and Rockwell made a verbal report. Ordered letter written the company as shown by office original on file. (Street Case No. 50—1904.)

Orders.

Application of the New York, Auburn and Lansing Railroad Company for consent to the issue of a first mortgage for two million five hundred thousand dollars (\$2,500,000). Denied. (Case No. 3479.)

The Board adjourned.

MINUTES OF THE BOARD.**GENEVA, FEBRUARY 27, 1906.**

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. L. G. Hoskins for the applicant; Harris & Harris (Daniel M. Beach appearing) for the New York Central and Hudson River Railroad Company, in opposition; Goodelle, Nottingham Brothers & Andrews (Nathan Abelson appearing) for the Newark and Marion Railway Company; W. H. Welch for the Northern Central Railroad Company, not in opposition. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3473.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Tuesday, March 20, 1906, 11 a. m., at the Yates Hotel in Syracuse. (Case No. 3473.)

The matter of the *bona fides* of the application of the Bronx, Yonkers and White Plains Railway Company under section 59 of the Railroad Law was not presented on this date. See minutes of February 23, 1906. (Case No. 3486.)

The Board adjourned.

ALBANY, MARCH 6, 1906.

The Board met pursuant to adjournment.. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of February 13, 20, 23 and 27 were read and approved. Commissioner Dickey was elected acting chairman, Chairman Dunn being absent.

Complaints.

Board of supervisors of Monroe county against the Rochester and Sodus Bay Railway Company as to service rendered the public. A report, dated February 21, 1906, was received from the electrical expert. Ordered filed. A letter, dated February 17, 1906, received from the company. Ordered filed. Ordered the electrical expert make a further report in this matter as to the new time table of the company. (Case No. 3503.)

N. E. Hutchens and supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to operation of cars in Monroe county. Letter dated February 21, 1906, received from the company, stating that the recommendation of the Board would be complied with. Ordered the electrical expert make a report in the future as to whether the recommendation is complied with. (Case No. 3458.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to service rendered the public. Reply of complainants to answer of company received. Ordered case referred to Commissioners Baker and Rockwell. (Case No. 3491.)

Louis H. Pink for the Milton Club against the New York City Railway

Company as to the operation of cars on its East Side lines and as to changing those operated by horses to electrical operation. Copy sent company. Ordered, hearing set for Tuesday, March 27, 1906, 10:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3524.)

George V. Fowler against the Yonkers Railroad Company as to service rendered the public. Answer of company received. Closed. (Case No. 3507.)

Preambles and resolution of the board of aldermen of New York city in relation to heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Letter dated February 24, 1906, received from the Brooklyn Heights Railroad Company, stating that the recommendations of the Board would be complied with, and that a weekly statement as to the heating of the cars would be submitted here. Ordered copy sent to the city clerk of New York city. (Case No. 3509.)

Residents of Nunda, Canaseraga and vicinity against the Pennsylvania Railroad Company. A verbal report was made by Commissioner Baker. Closed. (Case No. 3140.)

William P. Gregg and others against the New York, Ontario and Western Railway Company as to alleged abandonment of the Cuddebackville station of said company on its Port Jervis and Monticello branch. Answer of company received. Ordered copy sent complainants. (Case No. 3455.)

Residents of Sherman Park against the New York Central and Hudson River Railroad Company as to the construction of a station at that point on said company's Harlem division. Letter dated March 2, 1906, received from company, stating that the construction of the station would be commenced at once "and it is our expectation to have it completed by May 15." Copy sent complainants. Closed. (Case No. 3393.)

Henry White against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at the station of said company at Houston street and Bowery, New York city. A report dated February 27, 1906, was received from the inspector of grade crossings. Ordered that the company be notified to appear before the Board on Tuesday, March 27, 1906, 11:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city, as to its non-compliance with the recommendations of the Board in this matter and as to stairways at other stations. (Case No. 3112.)

West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company in relation to operation of cars on that company's Fifth avenue surface line between the Thirty-sixth street terminal of the Fifth avenue line and Sixty-fifth street and Fifth avenue. Copy sent company. Answer of company received. Copy sent complainants. (Case No. 3514.)

Harrison Wells of Cortland against the Delaware, Lackawanna and Western Railroad Company as to alleged refusal to switch loaded coal cars for the Red Ash Coal Company on switch of complainant. Copy sent company. (Case No. 3519.)

Charles Walter of Liverpool against the Silver Lake Railway Company as to refusal to accept shipment of freight. Answer of company received. Copy of main part of the answer sent complainant. Closed. (Case No. 3506.)

U. S. Grant Oure against the Ulster and Delaware Railroad Company as to freight rates on hard coal. Answer of the company received. Copy sent complainant. Ordered that the inspector make a report in this matter. (Case No. 3496.)

Daniel A. Moran against the Long Island Railroad Company as to its passenger station at Valley Stream, and as to changing cars at Jamaica. Answer of company received. Copy sent complainant. Reply of complainant received. A report dated March 3, 1906, received from the inspector. Ordered letter of recommendation written company as to the lamps at the Valley Stream station, as shown by office original letter on file. (Case No. 3502.)

Grace H. Rover against the Brooklyn Heights Railroad Company as to

MINUTES OF THE BOARD.

GENEVA, FEBRUARY 27, 1906

The Board met pursuant to adjournment. Present: Dickey, Aldridge and Rockwell.

Hearings.

Application of the Geneva, Phelps and surface) for a certificate under section for the applicant; Harris & Harris New York Central and Hudson Goodelle, Nottingham Brothers & the Newark and Marion Railroad Central Railroad Company, arguments a recess was taken.

on 68 of and Electric road in the 19, 1906, was the derailling its trolley wire January 29, 1906, on crossings. (Case

the grade crossing carrying the Hudson ny's railroad at Broad 1906, was received from 3321.)

board to the Staten Island the company dated November was received from the company (Case No. 3443.)

The Board again and Rockwell.

The her road Cr Railroad evid-

ations of this Board to the New York Railroad Company, dated December 21, 1905, on said company's railroad at Fourth avenue and Fourth street, New York city, December 19, 1905, of which recommendations there was a hearing before the on February 20, 1906, in relation to the recommendation as to discretionary power not being given to the towerman at this Board determined that in view of the explanation made by representatives of the company at said hearing, said recommendation shall be suspended. (Steam Case No. 41—1905.)

In the matter of the recommendation of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company, as to a collision between freight trains on the Pennsylvania road Company, said company's railroad on January 8, 1906, and in the matter of the rescinding of the recommendation in a letter dated February 28, 1906, from the Board to the company in which letter it is stated that the special attention of employees should be called to the carrying out of order No. 19—a letter dated March 2, 1906, was received from the company stating that the special attention of employees would be called to the necessity of carrying out of order No. 19. Ordered filed. (Steam Case No. 5—1906.)

In the matter of the recommendation of this Board growing out of a derailment of a passenger train on the New York and Ottawa Railroad near Bay Pond, December 28, 1905, contained in a letter to the company dated February 19, 1906—a letter dated February 22, 1906, was received from the company stating that the recommendation would be complied with. Ordered filed. (Steam Case No. 44—1905.)

In the matter of a letter dated January 17, 1906, from this Board to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905, a letter dated March 1, 1906, was received from the company. Ordered letter written the company as shown by copy on file. (Steam Case No. 46—1905.)

In the matter of the recommendation of this Board contained in a letter to the company dated February 19, 1906, growing out of a collision on the New York Central and Hudson River Railroad at Bergen, January 1, 1906, a letter dated March 2, 1906, was received from the company stating the recommendation would be complied with. Ordered filed. (Steam Case No. 1—1906.)

In the matter of the recommendation of this Board contained in a letter dated April 7, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a light engine at the Niagara street grade crossing of the Erie Railroad in Buffalo, a letter dated February 26, 1906, was received from the company as to the

recommendation. Ordered letter written company that the recommendation be complied with. (Street Case No. 54—1904.)

A matter of the recommendation of this Board contained in a letter April 5, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a Rome, and Ogdensburg Railroad engine at the Second street crossing New York Central and Hudson River Railroad in Niagara Falls, a letter dated February 26, 1906, was received from the company as to the recommendation. Ordered letter written company that the recommendation be complied with. (Street Case No. 52—1904.)

Inspector dated February 24, 1906, as to rear collision between cars on the New York Central and Hudson River Railroad, February 8, 1906. Ordered copy sent company. (Street Case No. 51—1906.)

Report of the Board dated February 13, 1906, as to the New York Union Elevated Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) January 22, 1906, at Navy Street dated March 2, 1906, was received from the company. Ordered letter written company that the recommendation be complied with. (Street Case No. 6—1906.)

Crossings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double track railroad crossing a highway known as Dingens street in the town of Cheektowaga, Erie county. Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 589.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of the East Fourth and Schuyler streets grade crossings of the New York, Ontario and Western Railway and the railroad operated by the New York Central and Hudson River Railroad Company, in the city of Oswego, the construction of a new piece of street from East Fourth to Schuyler street, and the construction of an undercrossing of said railroads at East Seventh street at the intersection of Schuyler street—new detail plans and estimate for this work were submitted to the Board by the New York, Ontario and Western Railway Company. Ordered said new plans and estimate approved. These plans and estimate take the place of plans and estimate approved by this Board, December 13, 1905. The specifications approved December 13 stand, except as noted on these plans. (Grade Crossing Case No. 527.)

Petition of the town board of the town of Riverhead, Suffolk county, under section 62 of the Railroad Law, as to the closing and discontinuance of the Country road or Forge road highway grade crossing of the Long Island Railroad in said town, and the diversion of the travel therefrom to an overhead crossing of said railroad, proposed to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by the Country road or Forge road, by the construction of a new piece of highway. Ordered hearing set for Tuesday, March 27, 1906, 3 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Grade Crossing Case No. 588.)

Petition of the Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, as to changing a highway grade crossing of said company's railroad in the town of Vestal, Broome county, to an undercrossing. Ordered carried on file. (Grade Crossing Case No. 585.)

In the matter of the petition of the president and trustees of the village of Waverly, under section 62 of the Railroad Law, as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad in said village to an overhead crossing of the railroad, Commissioner Baker made a report, dated March 5, 1906. Ordered hearing in this matter be set before Com-

missioner Baker at Waverly, on a date to be fixed by him. (Grade Crossing Case No. 576.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 15, 1902, as to the closing and discontinuance of the Van Vleck or Lakeside highway grade crossing of the New York Central and Hudson River Railroad and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the construction of an overcrossing of said railroads and the Oswego and Syracuse Railroad (leased to and operated by the Delaware, Lackawanna and Western Railroad Company) in the town of Geddes, Onondaga county, a report dated February 27, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 174.)

In the matter of the petition of the president and trustees of the village of Westfield, Chautauqua county, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing, which matter is pending, a report dated February 27, 1906, was received from the superintendent of the grade crossing bureau as to the proposed structure. Ordered carried on file. (Grade Crossing Case No. 565.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 17, 1900, as to changing the Arsenal street, Watertown, grade crossing of the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an overcrossing, a supplemental accounting and settlement of the cost of the work between the city of Watertown and the railroad company was submitted to the Board, together with a report thereon dated March 5, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost under said supplemental accounting, viz., sixty-eight dollars and sixty-nine cents (\$68.69), be paid to the New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 173.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing and discontinuance of the Croton and Drewsville road highway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the town of Carmel, Putnam county, at a point known as Light's crossing, and the construction of new piece of highway and an overhead bridge crossing of said railroad, a detail white print plan for the work was submitted to the Board by the company, together with a report thereon dated March 5, 1906, from the superintendent of the grade crossing bureau, said plan so far as the change in the northerly approach is concerned bearing the approval of the town of South East, of the town of Carmel and of the railroad company, and so far as the total work is concerned bearing a copy of the approval of the town of Carmel, of the Board of Railroad Commissioners and of the New York Central and Hudson River Railroad Company. Ordered said detail plan approved to take the place of a plan approved on the minutes of February 8, 1905. (Grade Crossing Case No. 398.)

The annual report of the Pelham Park Railroad Company, for the year ending June 30, 1905, was received from the Attorney-General, the matter of failure of the company to file the report having been turned over to him. Ordered that so far as this company is concerned the Attorney-General be notified the Board does not desire him to proceed further in the matter.

Orders.

Application of the Delaware and Eastern Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs. Determination as shown by office original determination on file. (Case No. 3523.)

Petition of the Central New England Railway Company, under section 62 of the Railroad Law, as to the closing and discontinuance of a grade crossing

of said company's railway by a highway in the town of Pleasant Valley, Dutchess county, at a point immediately east of the Pleasant Valley station of said railway company, and the construction of a new piece of highway north of said company's railway from the said first-named highway to a highway known as Poughkeepsie road, which Poughkeepsie road now crosses said railway at grade west of said station. Determination, as shown by office original determination on file, that the crossing shall be closed, the travel to be diverted to the Poughkeepsie road highway crossing of said railway by the construction of a new connecting piece of highway if the existing connecting road is not a highway. (Grade Crossing Case No. 557.)

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double-tracked branch railroad proposed to be constructed by it shall cross streets, avenues and highways in the county of Erie. Determination as shown by office original determination on file. (Grade Crossing Case No. 587.)

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its double-tracked railroad proposed to be constructed shall cross streets, avenues and highways in the county of Erie. Determination as shown by office original determination on file. (Grade Crossing Case No. 586.)

Hearings.

Edward O. Buchenan and G. M. Carnochan against the Erie Railroad Company relative to passenger train service from New City. Mr. Buchenan and Mr. Carnochan appeared in person; G. N. Orcutt appeared for the Erie Railroad Company. After hearing arguments the hearing was closed. It was stated that the Erie Railroad Company has purchased a motor car for use on the New City branch. (Case No. 3342.)

Bills Approved.

The following bills were approved:

General Expenses.

J. D. Shultz (expenses).....	\$39 00
John J. Farley (expenses).....	23 00
A. L. Judson (expenses).....	10 00
F. H. Coggeshall (expenses).....	6 00
Frank M. Baker	7 00
William H. Terrell	5 00
"Klips," E. C. Cuyler, Secy.-Treas.....	25 00
Postal Telegraph Cable Co.....	7 22
Hudson River Telephone Co.....	20 85
Battery Place Realty Co. (March rent — New York office)	150 00
George A. Travers, Supt. (January).....	2 70
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Grade Crossing Expenses.

James E. Brazee (expenses).....	\$66 15
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The Board adjourned.

its lessor, the Eighth Avenue Railroad Company, for approval of a change of motive power from horses to an underground current of electricity upon the railroad of the Eighth Avenue Railroad Company on Vesey street between Church street and Broadway, New York city. Granted. (Case No. 3513.)

Application of the Williams Terminal Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3454.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Application of the Delaware and Eastern Railroad Company for approval of a first mortgage for one million dollars (\$1,000,000). Edward J. Welch for the applicant. After hearing evidence and arguments the evidence was closed. (Case No. 3505.)

George L. Lewis, for the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company, who was to appear before the Board on this date at 2 p. m., in the matter of mortgages, did not appear nor did any one representing said companies appear. Ordered letter written Mr. Lewis as shown by office original letter on file. (Cases Nos. 2989 and 3368.)

In the matter of the application of the New York City Inter-Borough Railway Company, under section 68 of the Railroad Law, as to crossing the New York and Harlem Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on an existing bridge at One Hundred and Eightieth street, in the Borough of the Bronx, New York city, George H. Walker appeared before the Board for the New York Central and Hudson River Railroad Company and a representative of Strong & Cadwalader appeared before the Board representing the New York City Inter-Borough Railway Company. The matter was not considered to-day inasmuch as an agreement between the companies is not ready to be submitted to the Board. It may be there will be no further hearing in this matter, but the agreement may be submitted by mail. (Case No. 3399.)

In the matter of recommendations of this Board to the company dated December 21, 1905, growing out of an accident on the New York Central and Hudson River Railroad on Fourth avenue, near One Hundred and Fourth street, New York city, A. T. Harding, assistant to the general manager; W. H. Elliott, signal engineer; H. S. Balliett, signal engineer, electric division; and I. A. McCormack, manager of the Harlem line, appeared before the Board for the company in relation to the recommendation as to discretionary power not being given to the towermen at this point and submitted a letter dated February 19, 1906, to the Board from A. H. Smith, general manager of the company, as to this recommendation. Ordered carried on file. (Steam Case No. 41 — 1905.)

In the matter of the recommendation of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company as to collision between freight trains on the Pennsylvania division of said company's railroad on January 8, 1906, P. E. Crowley, assistant general superintendent of the company, appeared before the Board. It was ordered that the recommendation of the Board in this matter be rescinded and that the company be notified that it should call the special attention of employees to the necessity of carrying out order No. 19 and the rules in connection with the 19 order. (Steam Case No. 5 — 1906.)

Complaints.

Citizens' Improvement League of Kensington, Parkville and vicinity. Brooklyn, against the Brooklyn Heights Railroad Company as to service

rendered the public. A letter dated February 16, 1906, was received from the company as to compliance with the recommendations of the Board contained in a letter dated February 6, 1906, of the Board to the company. Ordered that the electrical expert of the Board make a report in this matter. (Case No. 3476.)

Reports.

In the matter of a letter from this Board dated January 17, 1906, to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905, a further report dated February 19, 1906, was received from the inspector of grade crossings. Ordered filed. (Steam Case No. 46 — 1905.)

Crossings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double track steam railroad crossing streets, avenues and highways in the county of Erie. Ordered hearing set for Tuesday, March 6, 1906, 2 p. m., at the office of the Board in Albany. (Grade Crossing Case No. 586.)

The Board adjourned.

NEW YORK, FEBRUARY 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Bronx, Yonkers and White Plains Railway Company (street surface — new application on new articles of association) for a certificate under section 59 of the Railroad Law. Daniel DeWolf Wever and F. M. Winslow for the applicant; Mills & Johnson (Isaac N. Mills appearing) for the Yonkers Railroad Company, in opposition; A. B. Quencer for the New York Central and Hudson River Railroad Company. The opposition of the Yonkers Railroad Company was presented on this date; no witnesses were sworn, but the testimony, including exhibits, maps and photographs which were presented by the Yonkers Railroad Company in opposition on the application of this company which was dismissed owing to defective articles of association (Case No. 3919), were offered in this case by the Yonkers Railroad Company, and not objected to by the applicant, and received. The evidence is closed except so far as the *bona fides* and ability of the applicant to build its railroad is concerned which the applicant is to present to the Board at a meeting in Geneva on the 27th inst. or at a meeting of the Board in Albany on March 6, 1906. (Case No. 3486.)

Reports.

In the matter of the recommendations of this Board as to the equipment of cars of the Union Railway Company with sand-boxes, the recommendations growing out of a report of the electrical expert as to derailment of a car on said company's railway on Burnside avenue, December 12, 1904. Commissioners Baker and Rockwell made a verbal report. Ordered letter written the company as shown by office original on file. (Street Case No. 50 — 1904.)

Orders.

Application of the New York, Auburn and Lansing Railroad Company for consent to the issue of a first mortgage for two million five hundred thousand dollars (\$2,500,000). Denied. (Case No. 3479.)

The Board adjourned.

MINUTES OF THE BOARD.**GENEVA, FEBRUARY 27, 1906.**

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. L. G. Hoskins for the applicant; Harris & Harris (Daniel M. Beach appearing) for the New York Central and Hudson River Railroad Company, in opposition; Goodelle, Nottingham Brothers & Andrews (Nathan Abelson appearing) for the Newark and Marion Railway Company; W. H. Welch for the Northern Central Railroad Company, not in opposition. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3473.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Tuesday, March 20, 1906, 11 a. m., at the Yates Hotel in Syracuse. (Case No. 3473.)

The matter of the *bona fides* of the application of the Bronx, Yonkers and White Plains Railway Company under section 59 of the Railroad Law was not presented on this date. See minutes of February 23, 1906. (Case No. 3486.)

The Board adjourned.

ALBANY, MARCH 6, 1906.

The Board met pursuant to adjournment.. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of February 13, 20, 23 and 27 were read and approved. Commissioner Dickey was elected acting chairman, Chairman Dunn being absent.

Complaints.

Board of supervisors of Monroe county against the Rochester and Sodus Bay Railway Company as to service rendered the public. A report, dated February 21, 1906, was received from the electrical expert. Ordered filed. A letter, dated February 17, 1906, received from the company. Ordered filed. Ordered the electrical expert make a further report in this matter as to the new time table of the company. (Case No. 3503.)

N. E. Hutchens and supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to operation of cars in Monroe county. Letter dated February 21, 1906, received from the company, stating that the recommendation of the Board would be complied with. Ordered the electrical expert make a report in the future as to whether the recommendation is complied with. (Case No. 3458.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to service rendered the public. Reply of complainants to answer of company received. Ordered case referred to Commissioners Baker and Rockwell. (Case No. 3491.)

Louis H. Pink for the Milton Club against the New York City Railway

Company as to the operation of cars on its East Side lines and as to changing those operated by horses to electrical operation. Copy sent company. Ordered, hearing set for Tuesday, March 27, 1906, 10:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3524.)

George V. Fowler against the Yonkers Railroad Company as to service rendered the public. Answer of company received. Closed. (Case No. 3507.)

Preambles and resolution of the board of aldermen of New York city in relation to heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Letter dated February 24, 1906, received from the Brooklyn Heights Railroad Company, stating that the recommendations of the Board would be complied with, and that a weekly statement as to the heating of the cars would be submitted here. Ordered copy sent to the city clerk of New York city. (Case No. 3509.)

Residents of Nunda, Canaseraga and vicinity against the Pennsylvania Railroad Company. A verbal report was made by Commissioner Baker. Closed. (Case No. 3140.)

William P. Gregg and others against the New York, Ontario and Western Railway Company as to alleged abandonment of the Cuddebackville station of said company on its Port Jervis and Monticello branch. Answer of company received. Ordered copy sent complainants. (Case No. 3455.)

Residents of Sherman Park against the New York Central and Hudson River Railroad Company as to the construction of a station at that point on said company's Harlem division. Letter dated March 2, 1906, received from company, stating that the construction of the station would be commenced at once "and it is our expectation to have it completed by May 15." Copy sent complainants. Closed. (Case No. 3393.)

Henry White against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at the station of said company at Houston street and Bowery, New York city. A report dated February 27, 1906, was received from the inspector of grade crossings. Ordered that the company be notified to appear before the Board on Tuesday, March 27, 1906, 11:30 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city, as to its non-compliance with the recommendations of the Board in this matter and as to stairways at other stations. (Case No. 3112.)

West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company in relation to operation of cars on that company's Fifth avenue surface line between the Thirty-sixth street terminal of the Fifth avenue line and Sixty-fifth street and Fifth avenue. Copy sent company. Answer of company received. Copy sent complainants. (Case No. 3514.)

Harrison Wells of Cortland against the Delaware, Lackawanna and Western Railroad Company as to alleged refusal to switch loaded coal cars for the Red Ash Coal Company on switch of complainant. Copy sent company. (Case No. 3519.)

Charles Walter of Liverpool against the Silver Lake Railway Company as to refusal to accept shipment of freight. Answer of company received. Copy of main part of the answer sent complainant. Closed. (Case No. 3508.)

U. S. Grant Oure against the Ulster and Delaware Railroad Company as to freight rates on hard coal. Answer of the company received. Copy sent complainant. Ordered that the inspector make a report in this matter. (Case No. 3496.)

Daniel A. Moran against the Long Island Railroad Company as to its passenger station at Valley Stream, and as to changing cars at Jamaica. Answer of company received. Copy sent complainant. Reply of complainant received. A report dated March 3, 1906, received from the inspector. Ordered letter of recommendation written company as to the lamps at the Valley Stream station, as shown by office original letter on file. (Case No. 3502.)

Grace H. Rover against the Brooklyn Heights Railroad Company as to

lack of shelter station for passengers at Church and Rockaway avenues. Report dated January 29, 1906, received from the electrical expert, stating that the recommendation of the Board as to waiting car at this point had been complied with. Closed. (Case No. 3470.)

Hearings.

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double-tracked branch railroad proposed to be constructed by it shall cross streets, avenues and highways in the county of Erie; and application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double tracked railroad crossing streets, avenues and highways in the county of Erie. Frank Rumsey for the Western New York and Pennsylvania Railway and Pennsylvania Railroad companies; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh and Lake Erie Railroad Company; John W. Fisher for the town of West Seneca and the town board of the town of Cheektowaga. After hearing evidence and arguments the hearings were closed. These two matters were heard together as the Western New York and Pennsylvania Railway Company's crossings and the Lehigh and Lake Erie Railroad Company's crossings are to be together at the points in question. (Grade Crossing Cases Nos. 586 and 587.)

George L. Lewis appeared before the Board for the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company in the matter of mortgages. The Board determined that on or before the 15th of April, 1906, Mr. Lewis must file with it satisfactory evidence that the mortgage of the Buffalo and Williamsville Electric Railway Company for \$3,500,000 is discharged and that \$117,500 bonds issued under said mortgage have been canceled, or the Board will consider the question of annulling its determination in the application of the Buffalo, Batavia and Rochester Electric Railway Company for consent to the issue of a first mortgage for \$3,500,000. (Cases Nos. 2989 and 3368.)

F. J. Mackenna appeared before the Board in relation to plans for the Pine street, Niagara Falls, overcrossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company and in relation to plans for the Niagara street undercrossing of the Erie Railroad, Niagara Falls, in both of which matters this Board has made determinations under section 62 of the Railroad Law. W. P. Cooke appeared in the first of these matters for the Buffalo, Thousand Islands and Portland Railroad Company. Ordered letter written the Erie Railroad Company, as shown by copy on file. (Grade Crossing Cases Nos. 293 and 501.)

Complaints.

In the matter of complaint of Brotherhood of Locomotive Engineers as to use of flangers on engines, a letter dated February 28, 1906, was received from the Railway Appliances Company, which manufactures the Priest flanger, asking to be heard. Ordered hearing in this matter set for Tuesday, March 27, 1906, 12:30 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3518.)

In the matter of the recommendations of this Board in the complaint of E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public, a letter dated February 21, 1906, was received from the company stating that the recommendations would be complied with, except that as to dividing the railroad into two dispatching divisions, and asking that this recommendation be rescinded. Ordered that the company be notified that the Board would suspend for the present the operation of the recommendation as to dividing the road into two dispatching divisions. (Case No. 3402.)

Judson G. Wall against the New York City Railway Company as to issue of certain notes. This complaint was received through the Governor. Copy sent company. Answer of company received. Copy sent complainant and Governor. (Case No. 3520.)

John H. Coyne, mayor of Yonkers, against the New York Central and Hudson River Railroad Company as to charge for single trip tickets on its New York and Putnam division, from Getty Square, Yonkers, to One Hundred and Fifty-fifth street, New York city. Ordered copy sent company. (Case No. 3526.)

Applications.

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Erie Railroad in an undercrossing in the village of Salamanca. Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Case No. 3521.)

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Buffalo, Rochester and Pittsburgh Railway in the town of Great Valley and the village of Salamanca (two crossings, the one in the village of Salamanca being of a switch). Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Case No. 3522.)

Application of the Hudson Valley Railway Company for approval of an increase of its capital stock from \$3,000,000 to \$5,500,000. Ordered hearing set for Tuesday, March 13, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3525.)

Application of the Delaware and Eastern Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs. Report dated March 2, 1906, in this matter received from the inspector. Ordered filed. (Case No. 3523.)

In the matter of the application of the Bronx, Yonkers and White Plains Railway Company for a certificate, under section 59 of the Railroad Law, a letter dated March 5, 1906, was received from the mayor of Yonkers stating that the franchise "heretofore granted to the Bronx, Yonkers and White Plains Railway Company" had been rescinded. Ordered filed. (This letter is filed with Case No. 3486, and not with Case No. 3319.)

Application of the New York Central and Hudson River Railroad Company for approval of a method of signalling in the Park avenue tunnel, New York city. Ordered carried on file. (Case No. 3527.)

Reports.

A report dated March 2, 1906, was received from the inspector as to the physical condition of the portion of the Staten Island Rapid Transit Railway from Tottenville to Huguenot. Ordered filed. Closed. (Case No. 3516.)

In the matter of the recommendations of this Board, contained in a letter dated December 18, 1905, to the Erie Railroad Company, growing out of a report of the inspector as to the physical condition of the railroad of said company in this State, letters dated February 23 and 27, 1906, were received from the company as to compliance with these recommendations. Ordered filed. (No. 44—1905.)

In the matter of the recommendations of this Board as to derailing switches in the electric railroad where the electric division of the Fonda, Johnstown and Gloversville Railroad Company crosses the steam division, a letter dated February 14, 1906, was received from the company, stating that the derailing switches are at hand and ready for installation and will be installed when the weather permits. Ordered filed. (Case No. 3215.)

In the matter of the recommendation of this Board as to the installation of derailing switches in the railroad of the Wallkill Transit Company at a point in North street, Middletown, where it crosses the Erie Railroad, a letter dated February 15, 1906, was received from the Wallkill Transit Company. Ordered letter written the Erie Railroad Company on the subject. (Case No. 3340.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated June 20, 1905, as to the Long Island Electric Railway crossing at grade temporarily the Long Island Railroad in the Jamaica and Hempstead Turnpike, a letter dated February 19, 1906, was received from the electric railway company stating that the derailing switches in the electric railway and overhead trough on its trolley wire had been constructed. Ordered filed. A report dated January 29, 1906, on this subject was received from the inspector of grade crossings. (Case No. 3303.)

In the matter of reports of the superintendent of the grade crossing bureau, dated April 1 and 18, 1905, as to bridge carrying the Hudson Valley Railway over The Delaware and Hudson Company's railroad at Broadway, Fort Edward, a letter dated February 16, 1906, was received from the company. Ordered filed. Closed. (Case No. 3321.)

In the matter of the recommendations of this Board to the Staten Island Transit Railway Company contained in a letter to the company dated November 16, 1905, a letter dated March 5, 1906, was received from the company as to compliance therewith. Ordered filed. (Case No. 3443.)

In the matter of the recommendations of this Board to the New York Central and Hudson River Railroad Company, dated December 21, 1905, growing out of an accident on said company's railroad at Fourth avenue near One Hundred and Fourth street, New York city, December 19, 1905, in the matter of which recommendations there was a hearing before the Board in New York on February 20, 1906, in relation to the recommendation as to discretionary power not being given to the towerman at this point, the Board determined that in view of the explanation made by representatives of the company at said hearing, said recommendation shall be suspended. (Steam Case No. 41—1905.)

In the matter of the recommendation of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company, as to a collision between freight trains on the Pennsylvania division of said company's railroad on January 8, 1906, and in the matter of the rescinding of the recommendation in a letter dated February 28, 1906, from the Board to the company in which letter it is stated that the special attention of employees should be called to the carrying out of order No. 19—a letter dated March 2, 1906, was received from the company stating that the special attention of employees would be called to the necessity of carrying out of order No. 19. Ordered filed. (Steam Case No. 5—1906.)

In the matter of the recommendation of this Board growing out of a derailment of a passenger train on the New York and Ottawa Railroad near Bay Pond, December 28, 1905, contained in a letter to the company dated February 19, 1906—a letter dated February 22, 1906, was received from the company stating that the recommendation would be complied with. Ordered filed. (Steam Case No. 44—1905.)

In the matter of a letter dated January 17, 1906, from this Board to the Erie Railroad Company in relation to explosion of boiler of locomotive engine No. 1003 on the New York, Susquehanna and Western Railroad (operated by the Erie Railroad Company) in the State of New Jersey, December 24, 1905, a letter dated March 1, 1906, was received from the company. Ordered letter written the company as shown by copy on file. (Steam Case No. 46—1905.)

In the matter of the recommendation of this Board contained in a letter to the company dated February 19, 1906, growing out of a collision on the New York Central and Hudson River Railroad at Bergen, January 1, 1906, a letter dated March 2, 1906, was received from the company stating the recommendation would be complied with. Ordered filed. (Steam Case No. 1—1906.)

In the matter of the recommendation of this Board contained in a letter dated April 7, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a light engine at the Niagara street grade crossing of the Erie Railroad in Buffalo, a letter dated February 26, 1906, was received from the company as to the

recommendation. Ordered letter written company that the recommendation should be complied with. (Street Case No. 54—1904.)

In the matter of the recommendation of this Board contained in a letter dated April 5, 1906, to the International Railway Company growing out of a collision between an International Railway Company car and a Rome, Watertown and Ogdensburg Railroad engine at the Second street crossing of the New York Central and Hudson River Railroad in Niagara Falls, a letter dated February 26, 1906, was received from the company as to the recommendation. Ordered letter written company that the recommendation should be complied with. (Street Case No. 52—1904.)

Report of the inspector dated February 24, 1906, as to rear collision between freight trains on the New York Central and Hudson River Railroad at Seneca River, February 8, 1906. Ordered copy sent company. (Steam Case No. 13—1906.)

In the matter of a report of the Board dated February 13, 1906, as to an accident on the Brooklyn Union Elevated Railroad (leased to and operated by the Brooklyn Heights Railroad Company) January 22, 1906, at Navy street junction, a letter dated March 2, 1906, was received from the company as to the mortorman, Louis Muller. Ordered letter written company as shown by copy on file. (Street Case No. 6—1906.)

Crossings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, as to its double track railroad crossing a highway known as Dingens street in the town of Cheektowaga, Erie county. Ordered hearing set for Thursday, March 15, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 589.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of the East Fourth and Schuyler streets grade crossings of the New York, Ontario and Western Railway and the railroad operated by the New York Central and Hudson River Railroad Company, in the city of Oswego, the construction of a new piece of street from East Fourth to Schuyler street, and the construction of an undercrossing of said railroads at East Seventh street at the intersection of Schuyler street—new detail plans and estimate for this work were submitted to the Board by the New York, Ontario and Western Railway Company. Ordered said new plans and estimate approved. These plans and estimate take the place of plans and estimate approved by this Board, December 13, 1905. The specifications approved December 13 stand, except as noted on these plans. (Grade Crossing Case No. 527.)

Petition of the town board of the town of Riverhead, Suffolk county, under section 62 of the Railroad Law, as to the closing and discontinuance of the Country road or Forge road highway grade crossing of the Long Island Railroad in said town, and the diversion of the travel therefrom to an overhead crossing of said railroad, proposed to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by the Country road or Forge road, by the construction of a new piece of highway. Ordered hearing set for Tuesday, March 27, 1906, 3 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Grade Crossing Case No. 588.)

Petition of the Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, as to changing a highway grade crossing of said company's railroad in the town of Vestal, Broome county, to an undercrossing. Ordered carried on file. (Grade Crossing Case No. 585.)

In the matter of the petition of the president and trustees of the village of Waverly, under section 62 of the Railroad Law, as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad in said village to an overhead crossing of the railroad, Commissioner Baker made a report, dated March 5, 1906. Ordered hearing in this matter be set before Com-

missioner Baker at Waverly, on a date to be fixed by him. (Grade Crossing Case No. 576.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 15, 1902, as to the closing and discontinuance of the Van Vleck or Lakeside highway grade crossing of the New York Central and Hudson River Railroad and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the construction of an overcrossing of said railroads and the Oswego and Syracuse Railroad (leased to and operated by the Delaware, Lackawanna and Western Railroad Company) in the town of Geddes, Onondaga county, a report dated February 27, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 174.)

In the matter of the petition of the president and trustees of the village of Westfield, Chautauqua county, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing, which matter is pending, a report dated February 27, 1906, was received from the superintendent of the grade crossing bureau as to the proposed structure. Ordered carried on file. (Grade Crossing Case No. 565.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 17, 1900, as to changing the Arsenal street, Watertown, grade crossing of the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an overcrossing, a supplemental accounting and settlement of the cost of the work between the city of Watertown and the railroad company was submitted to the Board, together with a report thereon dated March 5, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost under said supplemental accounting, viz., sixty-eight dollars and sixty-nine cents (\$68.69), be paid to the New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 173.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing and discontinuance of the Croton and Drewsville road highway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the town of Carmel, Putnam county, at a point known as Light's crossing, and the construction of new piece of highway and an overhead bridge crossing of said railroad, a detail white print plan for the work was submitted to the Board by the company, together with a report thereon dated March 5, 1906, from the superintendent of the grade crossing bureau, said plan so far as the change in the northerly approach is concerned bearing the approval of the town of South East, of the town of Carmel and of the railroad company, and so far as the total work is concerned bearing a copy of the approval of the town of Carmel, of the Board of Railroad Commissioners and of the New York Central and Hudson River Railroad Company. Ordered said detail plan approved to take the place of a plan approved on the minutes of February 8, 1905. (Grade Crossing Case No. 398.)

The annual report of the Pelham Park Railroad Company, for the year ending June 30, 1905, was received from the Attorney-General, the matter of failure of the company to file the report having been turned over to him. Ordered that so far as this company is concerned the Attorney-General be notified the Board does not desire him to proceed further in the matter.

Orders.

Application of the Delaware and Eastern Railroad Company, under section 33 of the Railroad Law, as to highway crossing signs. Determination as shown by office original determination on file. (Case No. 3523.)

Petition of the Central New England Railway Company, under section 62 of the Railroad Law, as to the closing and discontinuance of a grade crossing

of said company's railway by a highway in the town of Pleasant Valley, Dutchess county, at a point immediately east of the Pleasant Valley station of said railway company, and the construction of a new piece of highway north of said company's railway from the said first-named highway to a highway known as Poughkeepsie road, which Poughkeepsie road now crosses said railway at grade west of said station. Determination, as shown by office original determination on file, that the crossing shall be closed, the travel to be diverted to the Poughkeepsie road highway crossing of said railway by the construction of a new connecting piece of highway if the existing connecting road is not a highway. (Grade Crossing Case No. 557.)

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double-tracked branch railroad proposed to be constructed by it shall cross streets, avenues and highways in the county of Erie. Determination as shown by office original determination on file. (Grade Crossing Case No. 587.)

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its double-tracked railroad proposed to be constructed shall cross streets, avenues and highways in the county of Erie. Determination as shown by office original determination on file. (Grade Crossing Case No. 586.)

Hearings.

Edward C. Buchenau and G. M. Carnochan against the Erie Railroad Company relative to passenger train service from New City. Mr. Buchenau and Mr. Carnochan appeared in person; G. N. Orcutt appeared for the Erie Railroad Company. After hearing arguments the hearing was closed. It was stated that the Erie Railroad Company has purchased a motor car for use on the New City branch. (Case No. 3342.)

Bills Approved.

The following bills were approved:

General Expenses.

J. D. Shultz (expenses)	\$39 00
John J. Farley (expenses)	23 00
A. L. Judson. (expenses)	10 00
F. H. Coggeshall (expenses)	6 00
Frank M. Baker	7 00
William H. Terrell	5 00
"Klips," E. C. Cuyler, Secy.-Treas.	25 00
Postal Telegraph Cable Co.	7 22
Hudson River Telephone Co.	20 85
Battery Place Realty Co. (March rent—New York office)	150 00
George A. Travers, Supt. (January)	2 70
George A. Travers, Supt. (February)	2 40
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	\$298 17
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Grade Crossing Expenses.

James E. Brazee (expenses)	\$66 15
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The Board adjourned.

ALBANY, MARCH 8, 1906.

The Board, through telephonic communication with Commissioners Dickey and Aldridge, ordered letter written the Attorney-General in the matter of action which may be taken by the Board in the complaint of Judson G. Wall against the New York City Railway Company. (Case No. 3520.)

NEW YORK, MARCH 8, 1906.

Present, Commissioners Baker and Rockwell present by telephonic communication, Commissioners Dickey and Aldridge.

The Board determined to recommend to the New York and Queens County Railway Company that it procure as soon as practicable twenty-five double-truck, closed cars with a seating capacity of not less than thirty-eight each and put them in operation on its line. (Cases Nos. 3222, 3365 and 3491.)

The Board determined to recommend to the Long Island Electric Railway Company that it procure as soon as practicable ten double-truck, closed cars with a seating capacity of not less than thirty-eight each and put them in operation on its line, and that this company take steps to immediately re-equip its power house with generating apparatus to furnish sufficient power for maximum requirements of operation. (Case No. 3528.)

The Board adjourned.

BUFFALO, MARCH 13, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Hudson Valley Railway Company for approval of an increase of its capital stock from \$3,000,000 to \$5,500,000. Choate, Hanford & Laroque (Mr. Hanford appearing) for the applicant; Frank L. Bell for Charles M. Stewart, Charles E. Brisbane, Wallace Greenalch and Watson N. Sprague, stockholders, in opposition; an appearance of John L. Hill for Ezra A. Tuttle, a stockholder, in opposition, was entered by Mr. Bell although Mr. Hill was not present. After hearing arguments the hearing was adjourned until Wednesday, March 21, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3525.)

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Hatch and Sheehan (Mr. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh Valley Railroad Company, the Lehigh Valley Railway Company and the Buffalo, Thousand Islands and Portland Railroad Company, in opposition; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company; Moot, Sprague, Brownell & Marcy for the Erie Railroad Company. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3082.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning, except that Moot, Sprague, Brownell & Marcy were not represented. After hearing evidence and arguments further the hearing was adjourned until Wednesday, March 14, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

The Board adjourned.

BUFFALO, MARCH 14, 1906.

The Board met pursuant to adjournment. Present. Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which the double-tracked railroad of said company shall cross a highway known as Dingens street in the town of Cheektowaga, Erie county. Bissell, Carey & Cooke (Mr. Cooke appearing) for the applicant; John W. Fisher for the town of Cheektowaga, not in opposition. This hearing was set for March 15, but was heard to-day, the town and company being represented, and evidence which was taken in this matter on March 6, 1906, although a hearing had not been set for March 6, was stipulated to-day as being in. A representative of the Board on March 15 was at the Hotel Iroquois, in Buffalo, in this matter to see if any one should appear through the notice of the hearing that was given. On March 15 Frank Wildy, supervisor of the town of Cheektowaga, appeared and said the town did not appear in opposition. The evidence in this case is closed. (Grade Crossing Case No. 589.)

Application of the New York Central and Hudson River Railroad Company and the Terminal Railway of Buffalo (joined), under section 60 of the Railroad Law, for a determination of the manner in which two tracks of the Terminal Railway of Buffalo proposed to be constructed in the town of Hamburg, Erie county (in which town said railway is operated by the New York Central and Hudson River Railroad Company) shall cross the Lakeview avenue and the Mile Strip road highways in said town. Pooley & Spratt (Mr. Pooley appearing) for the applicants; William R. McConnell, attorney, Arnold H. Pierce, president, and John W. Schutts, trustee, appeared for the village of Blasdell. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. The company is to confer with the village authorities of Blasdell as to the Lakeview avenue crossing and if an agreement is reached there will not be another hearing in this matter. (Grade Crossing Case No. 584.)

Adjourned hearing in the matter of the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Appearances as yesterday except that Moot, Sprague, Brownell & Marcy were not represented. After hearing evidence and arguments a recess in this matter was taken until 2:15 p. m.

In the matter of the application of the Bronx, Yonkers and White Plains Railway Company (street surface) for a certificate under section 59 of the Railroad Law, the Board, in executive session, heard evidence of the *bona fides* of the enterprise and the ability of the projectors to build the railroad. (Case No. 3486.)

The Board took a recess until 2:15 p. m.

AFTER RECESS — 2:15 P. M.

The Board again met. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments the hearing was adjourned until Wednesday, March 28, 1906, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3082.)

Complaints.

In the matter of the complaint of Judson G. Wall against the New York City Railway Company as to issue of certain notes. A further letter dated March 9, 1906, was received from complainant as to alleged sale of stock of the Interurban Street Railway Company. Ordered hearing set in the matter of these complaints for Wednesday, March 21, 1906, 11 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3520.)

Applications.

Application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, March 27, 1906, 2 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3530.)

The Board adjourned.

BUFFALO, MARCH 15, 1906.

The adjourned hearing in the application of the Buffalo & Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad Law, which was to have been held to-day, was not held, the applicant having, on March 13, 1906, asked a postponement to a date to be thereafter fixed, and Mr. Pooley, of Pooley & Spratt, who appeared in opposition, having consented on March 13 to a postponement. A representative of the Board was at the Hotel Iroquois, Buffalo, on this date, but no one appeared in this matter. (Case No. 3448.)

SYRACUSE, MARCH 20, 1906.

The adjourned hearing in the application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law, which was to have been held in Syracuse to-day was not held, but was postponed until Wednesday, March 21, 1906, 12 m., at the office of the Board in Albany. A representative of the Board was at the Yates House on this date to notify those who might not have received notice of this postponement that the hearing had been so postponed. (Case No. 3473.)

ALBANY, MARCH 21, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of March 6, March 8 (in Albany), March 8 (in New York), 13, 14, 15 and 20, 1906, were read and approved.

Hearings.

Adjourned hearing in the matter of the application of the Hudson Valley Railway Company for approval of an increase of its capital stock from three million dollars (\$3,000,000) to five million five hundred thousand dollars (\$5,500,000). Choate, Hanford & Larocque (Mr. Hanford appearing) and W. L. Kiley for the applicant; Frank L. Bell for Charles M. Stewart, Charles E. Brisbin, Walter Greenalch and Watson N. Sprague, stockholders, in opposition. After hearing arguments the hearing was closed. (Case No. 3525.)

In the matter of the complaint of Judson G. Wall against the New York City Railway Company as to issue of certain notes and as to alleged sale of stock of the Interurban Street Railway Company. William M. Ivins for complainant; Mr. Wall was present also; Hon. Julius M. Mayer, Attorney-General of the State, at the request of this Board; Paul D. Cravath and H. A. Robinson for the New York City Railway Company. After hearing evidence and arguments a recess was taken until 2:15 p. m. (Case No. 3520.)

AFTER RECESS — 2:15 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the matter of the complaint of Judson G. Wall against the New York City Railway Company was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, April 4, 1906, 11:30 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3520.)

Adjourned hearing in the matter of the application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. L. G. Hoskins for the applicant; Harris & Harris (Daniel M. Beach appearing) for the New York Central and Hudson River Railroad Company, in opposition. After hearing evidence and arguments the evidence was closed. Mr. Beach (in opposition) did not present evidence, but rested on the case as presented by the applicant. The Board in executive session heard testimony as to the *bona fides* and the ability of the applicant company to construct its road. (Case No. 3473.)

Complaints.

U. S. Grant Cure against the Ulster and Delaware Railroad Company as to freight rates on hard coal. Report dated March 19, 1906, received from the inspector. Ordered filed. (Case No. 3496.)

In the matter of the recommendations of this Board in the complaint of E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public, a letter dated March 14, 1906, was received from the company as to compliance with the recommendations. Ordered filed. (Case No. 3402.)

In the matter of the complaint of Henry White and others against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at stations on the Third avenue elevated line, a report dated March 20, 1906, was received from the inspector of grade crossings as to stations at Houston street and Ninth street. Ordered filed. (Case No. 3112.)

Letters dated March 15, 1906, with list of certain suggestions, were received from Frederick Sturges Robinson, one of the suggestions being in relation to street car tracks on Amsterdam avenue, New York city. Ordered filed.

James J. Lawless against the Buffalo Southern Railway Company as to non-operation of its railroad. Copy sent company. (Case No. 3540.)

West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company in relation to operation of cars on that company's Fifth

avenue surface line between the Thirty-sixth street terminal of the Fifth avenue line and Sixty-fifth street and Fifth avenue. Letter dated March 7, 1906, received from complainants, and letter dated March 12, 1906, received from company. Ordered filed. Closed. (Case No. 3514.)

West End Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company in relation to holding cars of the company for a short period at the Thirty-ninth street ferry to meet boats and in relation to holding local trains at the Thirty-sixth street station to connect with express trains. Copy sent company. Answer of company received. Copy sent complainants. Closed. (Case No. 3529.)

Residents of Central Park against the Long Island Railroad Company as to operation of trains, etc. Reply of complainants to answer of company received. The inspector is to make a report in this matter. This case was closed on the minutes of December 13, 1905, and is now re-opened. (Case No. 3459.)

E. C. Skinner against the Yonkers Railroad Company as to service rendered the public. Letter dated March 16, 1906, received from the Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, thanking the Board for its action in relation to the operation of cars by the Union Railway Company which was considered in this matter. Ordered filed. Closed. (Case No. 3490.)

Daniel A. Moran against the Long Island Railroad Company as to its passenger station at Valley Stream, and as to changing cars at Jamaica. Letter dated March 14, 1906, received from the company stating that the recommendations of the Board would be complied with. Copy sent complainant. Closed. (Case No. 3502.)

Harrison Wells, of Cortland, against the Delaware, Lackawanna and Western Railroad Company as to alleged refusal to switch loaded coal cars for the Red Ash Coal Company on switch of complainant. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered carried on file. (Case No. 3519.)

Louis H. Gein against the New York Central and Hudson River Railroad Company as to rates of passenger fare from Van Cortland, on the New York and Putnam division, to One Hundred and Fifty-fifth street, New York city. Copy sent company. (Case No. 3539.)

Christopher Clarke against the New York and Queens County Railway Company. Letter dated March 17, 1906, received from complainant. Ordered filed. (Case No. 3222.)

Merchants and others of Canaseraga, Allegany county, against the New York Central and Hudson River Railroad Company as to name of Canaseraga station on the West Shore Railroad, its lessor. Letter dated March 17, 1906, received from the company. Copy sent complainants. (Case No. 3499.)

Preambles and resolution of the board of aldermen of New York city in relation to heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. A statement as to heating of cars of the Brooklyn Heights Railroad Company for the last week in February and the first week in March were submitted to the Board by the company. Ordered filed. (Case No. 3509.)

John H. Coyne, mayor of Yonkers, against the New York Central and Hudson River Railroad Company as to charge for single trip tickets on its New York and Putnam division from Getty square, Yonkers, to One Hundred and Fifty-fifth street, New York city. Answer of company received. Copy sent complainant. (Case No. 3528.)

J. H. Andrews against the Brooklyn Heights Railroad Company as to rate of speed of Gates avenue cars on Franklin avenue between Greene and Gates avenues, Brooklyn. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3534.)

Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, against the Interborough Rapid Transit Company as to guardrails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor. Copy sent company. Referred to Commissioners Baker and Rockwell. (Case No. 3535.)

Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, against the Union Railway Company as to said company not laying new tracks across a new bridge spanning the Bronx river and the New York, New Haven and Hartford Railroad at Westchester avenue, New York city. Copy sent company. Answer of company received, and letter dated March 20, 1906, received from complainants withdrawing complaint. Closed. (Case No. 3536.)

Verbal complaint against The Delaware and Hudson Company as to hours flagmen are required to work on said company's railroad in Cohoes. Letter dated March 6, 1906, received from the company stating that "I have given instructions that hereafter a day and a night man, working twelve hours each, shall be put on these crossings." Closed. (Case No. 3517.)

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its Cemetery line, from Thirty-fourth street ferry, Long Island City, to the Calvary, Zion and Lutheran cemeteries. Copy sent company. (Case No. 3531.)

Verbal complaint against the New York Central and Hudson River Railroad Company in relation to operation of locomotive engines, reversed, attached to passenger trains on its Attica branch. Letter dated March 6, 1906, written the company on the subject, also in relation to heating passenger coaches on this branch. Letter dated March 16, 1906, received from the company. Copy sent F. C. Stevens. Ordered letter written company as shown by copy on file. This case was closed on the minutes of July 6, 1905, and is now re-opened. (Case No. 3305.)

Village of Waterford against the United Traction Company asking that said company replace certain tracks. Copy sent company. Ordered hearing set for Wednesday, April 3, 1906, 11:30 a. m., at the office of the Board in Albany. (Case No. 3538.)

Applications.

In the matter of consents of this Board to the issue of mortgages by the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company, in which a letter dated March 12, 1906, was written to the president of the companies by the Board, a letter dated March 15, 1906, was received from the president of the companies. Ordered filed. (Cases Nos. 2989 and 3368.)

Application of the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the station known as Kensington on the southwesterly corner of the intersection of Lotts lane and Gravesend avenue, Brooklyn, it being proposed that a new station be located at the intersection of Gravesend avenue and the Sixteenth avenue line operated by said company. Ordered carried on file. (Case No. 3533.)

Application of the Rochester, Scottsville & Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered filed. (Case No. 3532.)

Application of the New York Central and Hudson River Railroad Company for approval of a method of signaling in the Park avenue tunnel, New York city. Ordered hearing set for Wednesday, March 28, 1906, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3527.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance at once of the platform station at University Heights in the city of New York on the railroad operated by it, it being proposed that a new station shall be constructed on said railroad about at East One Hundred and Eighty-fourth street; and for consent to the discontinuance of the station at Fordham Heights, New York city, on the railroad operated by it after the station proposed to be constructed at East One Hundred and Eighty-fourth street is completed. Ordered hearing set for Wednesday, March 28, 1906, 11 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3537.)

Reports.

In the matter of the recommendations of this Board as to the physical condition of the Ogdensburg Street Railway, a letter dated March 8, 1906, was received from the company, stating that it has equipped its cars with oil tail-lights, and that it is trying to arrange with the New York Central and Hudson River Railroad Company to avoid the grade crossing of said company's railroad by its railroad at River street. Ordered filed. (Case No. 2795.)

Report of the inspector of grade crossings as to lack of station on the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) at One Hundred and Thirtieth street and Eighth avenue. Ordered referred to Commissioner Rockwell. (Case No. 3439.)

Report of the inspector of grade crossings dated March 5, 1906, as to wrecking tools in passenger coaches on the New York Central and Hudson River Railroad and the New York, New Haven and Hartford Railroad. Ordered filed. (Steam Case No. 41—1905.)

A report dated March 10, 1906, was received from the inspector as to locomotives Nos. 2 and 3 of the Buffalo, Attica and Arcade Railroad Company. Ordered filed. (Locomotive boiler inspection reports.)

In the matter of the determination of this Board dated January 30, 1906, as to discontinuance of the Kingsbridge station of the New York Central and Hudson River Railroad and the Spuyten Duyvil and Port Morris Railroad, its lessor, and the location of the Kingsbridge station at another point, a report dated March 3, 1906, was received from the inspector of grade crossings. Ordered filed. (Case No. 3474.)

In the matter of a crossing at grade by the Delaware, Lackawanna and Western Railroad of the Buffalo Creek Railroad, the Pennsylvania Railroad and the New York, Chicago and St. Louis Railroad at the junction near Smith street, Buffalo, letters dated March 7 and 9, 1906, were received from Franklin D. Locke, attorney, the Delaware, Lackawanna and Western Railroad Company. Ordered filed. (No. 29—1905, and No. 9—1903.)

In the matter of the recommendations of this Board contained in a letter dated February 2, 1906, to the New York Central and Hudson River Railroad Company in relation to guard-rails on its bridge over the Harlem river and on its railroad on each side of the bridge, and as to guard-rails on two tracks between One Hundred and Sixth and One Hundred and Tenth streets, Fourth avenue, New York city, letters dated February 22 and March 8, 1906, were received from the manager of the Harlem line to the effect that the recommendations would be complied with. Ordered filed. Closed. (Case No. 3477.)

Report of Commissioner Baker dated January 16, 1906, as to explosion of boiler of Lehigh Valley Railroad locomotive engine No. 1161, about one mile west of Van Etten, December 22, 1905. Ordered copy sent company. (Steam Case No. 42—1905.)

Report of the inspector dated March 19, 1906, as to rear collision between passenger trains on The Delaware and Hudson Company's railroad near Saratoga, March 7, 1906. Ordered copy sent company. (Steam Case No. 18—1906.)

Report of the inspector dated March 10, 1906, as to derailment of New York Central and Hudson River Railroad freight train near Green Island, February 20, 1906. Ordered copy sent company. (Steam Case No. 16—1906.)

Report of the inspector dated March 10, 1906, as to a collision on the New York Central and Hudson River Railroad near Black Rock, between a New York Central and Hudson River Railroad passenger train and a Pere Marquette Railroad locomotive, February 26, 1906, 8:05 p. m. Ordered copy sent company with a letter of recommendation as shown by office original letter on file. (Steam Case No. 17—1906.)

Report of the inspector dated March 20, 1906, as to collision between a passenger train and a freight train on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Com-

pany) near Ravena, 12:13 p. m., February 16, 1906. Ordered copy sent company with a letter of recommendation as shown by official original letter on file. (Steam Case No. 14—1906.)

Report of the inspector dated March 20, 1906, as to a derailment at a derailling switch of a passenger train on the Erie Railroad, near Binghamton, 4:15 a. m., March 7, 1906. Ordered copy sent company. (Steam Case No. 19—1906.)

In the matter of the recommendation of this Board as to equipment of cars of the Union Railway Company with sand-boxes, a letter dated March 13, 1906, was received from the company in answer to a letter of recommendation of this Board of February 28, 1906, to the company. Ordered company be notified that the Board will not modify its recommendation contained in its letter of February 28, 1906. (Street Case No. 50—1904.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street grade crossing of the Erie Railroad in Niagara Falls to an undercrossing, a petition was received from the Erie Railroad Company relative to the Buffalo, Thousand Islands and Portland Railroad Company bearing a portion of the expense. Ordered filed. (Grade Crossing Case No. 501.)

Petition of the mayor and common council of the city of Troy, under section 62 of the Railroad Law, as to changing the Middleburgh street grade crossing of the Boston and Maine Railroad from grade. Although the petition does not so state, the application is that the crossing so far as pedestrians only are concerned be changed to an overcrossing. Ordered carried on file. (Grade Crossing Case No. 590.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to the Pine street, Niagara Falls, grade crossing of the Erie Railroad, and the right of way of the Buffalo, Thousand Islands, and Portland Railroad Company being changed to an overcrossing, a letter dated March 13, 1906, was received from the Erie Railroad Company stating that the plans for this structure would be sent here at once. (Grade Crossing Case No. 293.)

Orders.

Application of the New York, Auburn and Lansing Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its single track railroad shall cross highways in the town of Lansing, Tompkins county. Determination as shown by office original determination on file. (Grade Crossing Case No. 578.)

Application of the Lehigh and Lake Erie Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which the double-tracked railroad of said company shall cross a highway known as Dingens street in the town of Cheektowaga, Erie county. Determination, as shown by office original determination on file. (Grade Crossing Case No. 589.)

John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to running of cars and trains from the Staten Island ferry between 1 and 5 a. m. Recommendations, as shown by office original recommendations on file. This also applies to the complaint of M. H. Schick. (Cases Nos. 3457 and 3501.)

Application of the Delaware and Eastern Railroad Company for consent to the issuance of a first mortgage for one million dollars (\$1,000,000). Granted. (Case No. 3505.)

Application of the Hudson Valley Railway Company for approval of an increase of its capital stock from three million dollars (\$3,000,000) to five

million five hundred thousand dollars (\$5,500,000). Granted. (Case No. 3525.)

Application of the Bronx, Yonkers and White Plains Railway Company (street surface) for a certificate, under section 59 of the Railroad Law. Granted. (Case No. 3486.)

Application of the Geneva, Phelps and Newark Railroad Company (street surface) for a certificate, under section 59 of the Railroad Law. Granted. (Case No. 3473.)

H. C. Keyes was appointed confidential clerk in the New York office of the Board at a salary of one thousand five hundred dollars (\$1,500) a year, his appointment to date from March 1, 1906.

Bills Approved.

The following bills were approved:

General Expenses.

F. M. Baker (expenses).....	\$462 50
J. M. Dickey (expenses).....	312 00
A. L. Judson (expenses).....	30 75
F. H. Coggeshall (expenses).....	22 50
J. S. Kennedy (expenses).....	10 00
Karl F. Colson (expenses).....	10 00
H. C. Keyes (New York city, steno. services, February)	125 00
	<hr/>
	\$972 75
	<hr/>

Grade Crossing Expenses.

F. M. Baker (expenses).....	\$50 00
J. M. Dickey (expenses).....	160 00
J. S. Kennedy (expenses).....	10 00
Karl F. Colson (expenses).....	5 00
William McNeilly (postage stamps).....	101 25
	<hr/>
	\$326 25
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Grade Crossings — Construction Accounts.

New York Central and Hudson River Railroad Company	\$2,694 77
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For the State's proportion of the cost of the construction of an undercrossing for pedestrians at Main street, Herkimer, in pursuance of a determination of the Board of Railroad Commissioners, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination dated September 29, 1904.

The Board adjourned.

NEW YORK, MARCH 22, 1906.

Present, Commissioners Baker and Rockwell; present by telephonic communication, Commissioners Dunn, Dickey and Aldridge.

Orders.

Recommendations to the Brooklyn Heights Railroad Company as to increase in service rendered the public on its elevated lines were adopted and ordered sent to the company. (Case No. 3542.)

NEW YORK, MARCH 26, 1906.

Present, Commissioners Baker and Rockwell; present by telephonic communication, Commissioners Dunn, Dickey and Aldridge.

Orders.

A report of statistics as to number of passengers carried on the railroads of Greater New York was adopted and ordered issued. (Case No. 2804.)

NEW YORK, MARCH 27, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Louis H. Pink for the Milton Club and others against the New York City Railway Company as to condition of its cars on its east side lines and as to changing the operation of said lines from horses to electricity. Julius Blumberg, James Putnam Heaton, Joseph Levenson, Hamilton Holt, James H. Hamilton (headworker of the University Settlement), David Blaustein (supt. Educational Alliance), Miss Elizabeth S. Williams, Miss Lillian D. Wald, Miss Glendenny, Bernhardt Dutsch (People's Institute), Charles A. Kirschbaum, Miss Kelly, Wallace Gilpatrick, Louis Lindsey, and Samuel Blumensohn for complainants; Oren Root, Jr., general manager, for the New York City Railway Company. After hearing arguments the hearing was closed. (Case No. 3524.)

Henry White and others against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at its Houston street, Ninth street and Eighteenth street stations on the Third avenue line of the Manhattan Railway, lessor. Benjamin Fischer, complainant, as to the Houston and Ninth streets stations; George L. Flanigan for the Interborough Rapid Transit Company. After hearing arguments the hearing was closed. In this matter the Board has made recommendations to the company as to the Houston street station. (Case No. 3112.)

Adjourned hearing in relation to the use of flangers on engines in complaint of Brotherhood of Locomotive Engineers. A. W. Young, John J. Winters, M. Craven, M. J. McAndrews, M. Kiley, J. R. Swift and James B. Clark for the Brotherhood of Locomotive Engineers; Edward H. Fallows and George H. Sargeant for the Quincy, Manchester, Sargeant Company, manufacturers of the Priest flange scraper. After hearing arguments the hearing was closed. This matter has been referred to Commissioners Baker and Rockwell. See minutes of February 20, 1906. (Case No. 3518.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Mr. Werner and Mr. Cole appearing) for the applicant; Walter W. Law, Jr., president of the village of Briarcliff Manor, in favor of the application; Charles M. Lane, president of the village of Pleasantville, in favor of the application; Frank L. Young, corporation counsel of the village of Ossining, in favor of the application; Robert E. Farley for the Westchester Traction Company, in opposition; C. C. Paulding for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was adjourned until Tuesday, April 10, 1906, 10 a. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. The case of the applicant was closed on this date except in rebuttal and except as to *bona fides* and ability of the company to construct the proposed railroad. (Case No. 3530.)

Petition of the town board of the town of Riverhead, Suffolk county, under section 62 of the Railroad Law, as to the closing of the Country road or Forge road highway grade crossing of the Long Island Railroad in said town and the diversion of the travel therefrom by the construction of a new piece of highway to an overhead crossing of said railroad proposed to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by said Country road or Forge road highway. George F. Stackpole for the petitioners; D. B. Griffin for the Long Island Railroad Company, not in opposition. After hearing arguments the hearing was closed. (Grade Crossing Case No. 588.)

Orders.

Petition of the town board of the town of Riverhead, Suffolk county, under section 62 of the Railroad Law, as to the closing of the Country road or Forge road highway grade crossing of the Long Island Railroad in said town and the diversion of the travel therefrom by the construction of a new piece of highway to an overhead crossing of said railroad proposed to be located at a point about 1,625 feet east of the location of the existing grade crossing of said railroad by said Country road or Forge road highway. Determination, as shown by office original determination on file, neither the State nor the municipal corporation to bear any portion of the expense. (Grade Crossing Case No. 588.)

Recommendations to the Brooklyn Heights Railroad Company as to increase in service rendered the public on its surface lines were adopted and ordered sent to the company. (Case No. 3542.)

The Board adjourned.

NEW YORK, MARCH 28, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the New York Central and Hudson River Railroad Company for approval of this Board of a signal system for the Park avenue tunnel, New York city. C. C. Paulding for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3527.)

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company. After hearing evidence and arguments a recess in this matter was taken until 11:30 a. m. (Case No. 3082.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance at once of the platform station at University Heights in the city of New York on the railroad operated by it, it being proposed that a new station shall be constructed on said railroad about at East One Hundred and Eighty-fourth street; and for consent to the discontinuance of the station at Fordham Heights, New York City, on the railroad operated by it after the station proposed to be constructed at East One Hundred and Eighty-fourth street is completed. C. O. Paulding for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3537.)

Augustus G. Miller and other residents of the Borough of the Bronx appeared before the Board complaining against the Union Railway Company as to said company not laying new tracks across a new bridge spanning the Bronx river and the New York, New Haven and Hartford Railroad at Westchester avenue, New York city. This is in a closed case which is now re-opened, and a letter was ordered written Mr. Miller inclosing to him a copy of the company's answer and a copy of a letter of the 20th inst. from Charles Baxter, Chairman, Ex. Com., of the Twenty-third Ward Property Owners' Association, New York city. (Case No. 3536.)

11:30 A. M.

The hearing in the application (re-application) of the Buffalo Frontier terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. After hearing evidence and arguments further a recess was taken until 2 p. m. (Case No. 3082.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Al-bridge and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, April 18, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

Reports.

Report of the inspector dated March 24, 1906, as to an accident occurring on the Erie Railroad, February 15, 1906, where Engineer Joseph Leslie was killed through striking an obstruction. Ordered copy sent company with letter of recommendation as shown by office original letter on file. (Steam Case No. 15 — 1906.)

Orders.

Application of the New York Central and Hudson River Railroad Company for approval of this Board of a signal system for the Park avenue tunnel, New York city. Ordered approved, as shown by office original order on file. (Case No. 3527.)

Louis H. Pink for the Milton Club, and others, against the New York City Railway Company as to condition of its cars on its east side lines and as to changing the operation of said lines from horses to electricity. Recommendations were adopted and ordered sent to the company, as shown by office original recommendations on file. (Case No. 3524.)

A recommendation was adopted and ordered sent to the New York City Railway Company as to changing the motive power on its Twenty-eighth and Twenty-ninth streets croostown line. (Case No. 3547.)

The Board adjourned.

ALBANY, APRIL 3, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Aldridge and Rockwell. Commissioner Dickey, by direction of the Board, was attending a meeting of the National Association of Railway Commissioners.

The minutes of the meetings of March 21, 22, 26, 27 and 28 were read and approved.

Hearings.

Adjourned hearing in the application of the Wallula and Oswegatchie Railroad Company (steam) for a certificate under section 59 of the Railroad Law, Cushing & Cushing for the petitioner; no one else appeared. Mr. Cushing stated that Mr. W. P. Rudd, attorney for the New York Central and Hudson River Railroad Company, had authorized him to state that that company had withdrawn its opposition. After hearing evidence and arguments the hearing was closed. (Case No. 3465.)

Complaints.

J. H. Andrews against the Brooklyn Heights Railroad Company as to rate of speed of Gates avenue cars on Franklin avenue between Greene avenue and Gates avenue, Brooklyn. Reply of complainant to answer of company received. Closed. The electrical expert is to make a further report in this matter notwithstanding it is now closed. (Case No. 3534.)

Louis H. Gein against the New York Central and Hudson River Railroad Company as to rates of passenger fare from Van Cortlandt on the New York and Putnam division to One Hundred and Fifty-fifth street, New York city. Answer of company received. Letter dated April 2, 1906, written complainant. (Case No. 3539.)

In the matter of the recommendations of this Board to the Brooklyn Heights Railroad Company, dated March 22 and 27, 1906, as to increase in service rendered the public on its elevated and street surface lines, letters dated March 26 and 31, 1906, were received from the company stating that the recommendations will be complied with. Ordered filed. In the matter of the recommendations of this Board, dated February 9, 1906, to the Brooklyn Heights Railroad Company as to service rendered the public, a report dated March 23, 1906, was received from the electrical expert as to compliance with the recommendations and in relation to other matters and making certain other recommendations as to the operation of the street surface and elevated lines. Ordered filed. The Board has made recommendations in these matters and, therefore, these recommendations of the electrical expert contained in this report were not sent to the company. (Cases Nos. 3296 and 3542.)

James J. Lawless against the Buffalo Southern Railway Company as to non-operation of its railroad. Answer of company received stating that operation had been resumed. Copy sent complainant. Reply of complainant received. Ordered copy of reply sent company. (Case No. 3540.)

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its Cemetery line, from Thirty-

fourth street ferry, Long Island City, to the Calvary, Zion and Lutheran cemeteries. Answer of company received. Copy sent complainant. (Case No. 3531.)

Percy L. Marvin, of Buffalo, against the Buffalo, Rochester and Pittsburgh Railway Company as to locking of passenger car doors in its train which enters the New York Central and Hudson River Railroad Company's station at Buffalo, at 8:30 a. m. Copy sent company. (Case No. 3543.)

In the matter of the complaint of Henry White and others against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at stations on the Third avenue elevated line, a report dated March 21, 1906, was received from the inspector of grade crossings as to station at Eighteenth street. Ordered filed. A hearing in this case was given in New York on March 27, 1906. (Case No. 3112.)

G. H. Harris against the Brooklyn Heights Railroad Company in relation to operation of cars on its crosstown surface line. Copy sent company. (Case No. 3545.)

William P. Gregg and others against the New York, Ontario and Western Railway Company as to the Cuddebackville station on its Port Jervis branch. Reply of complainant to answer of company received. Ordered carried on file. The inspector has been ordered to make a report in this matter. (Case No. 3455.)

In the matter of the recommendation of this Board to the New York City Railway Company as to change of motive power on its Twenty-eighth and Twenty-ninth streets crosstown line, a letter dated March 30, 1906, was received from the company stating that the matter would be submitted to the board of directors of the company. A letter dated March 30, 1906, was received from H. W. Hart, of New York city, as to change of motive power on the Fulton street line of said company. Ordered filed. (Case No. 3547.)

Preambles and resolution of the board of aldermen of New York city in relation to the heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Statements as to heating of cars of the Brooklyn Heights Railroad Company, from March 5 to 19, inclusive, and from March 19 to 26, inclusive, were filed with the Board. Ordered filed. (Case No. 3509.)

Residents of Central Park against the Long Island Railroad Company as to operation of trains, etc. A report dated March 22, 1906, was received from the inspector. Ordered case carried on file. (Case No. 3459.)

Michael Thornton against the Rutland Railroad Company as to fence of that company along his land. Answer of company received stating that the fence would be fixed as early as practicable. Copy sent complainant. Closed. (Case No. 3472.)

Preambles and resolution of the board of aldermen of New York city against the Brooklyn Heights Railroad Company in relation to cars on the Graham and Flushing avenue line of said company. Copy sent company. (Case No. 3544.)

Borough President Coler's Committee of One Hundred and Prospect Heights Citizens' Association of Brooklyn against the Brooklyn Heights Railroad Company as to transfers. Ordered that the electrical expert make a report in this matter. (Case No. 3546.)

Resolution of the board of aldermen of New York city asking this Board to require the several elevated railroad companies operating in the various boroughs of the city of New York, to provide comfort or toilet-rooms on the various stations of said companies' railroads. Copies sent Interborough Rapid Transit Company and the Brooklyn Heights Railroad Company. (Case No. 3548.)

Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, against the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor. Answer of company received. Copy sent complainants. Reply of complainants received. Referred to Commissioner Rockwell. This case had heretofore been referred to Commissioners Baker and Rockwell. (Case No. 3535.)

Louis H. Pink for the Milton Club, and others, against the New York City Railway Company as to condition of its cars on its east side lines and as to changing the operation of said lines from horses to electricity. Recommendations were adopted and ordered sent to the company, as shown by office original recommendations on file. (Case No. 3524.)

A recommendation was adopted and ordered sent to the New York City Railway Company as to changing the motive power on its Twenty-eighth and Twenty-ninth streets crosstown line. (Case No. 3547.)

The Board adjourned.

ALBANY, APRIL 3, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Aldridge and Rockwell. Commissioner Dickey, by direction of the Board, was attending a meeting of the National Association of Railway Commissioners.

The minutes of the meetings of March 21, 22, 26, 27 and 28 were read and approved.

Hearings.

Adjourned hearing in the application of the Wallula and Oswegatchie Railroad Company (steam) for a certificate under section 59 of the Railroad Law, Cushing & Cushing for the petitioner; no one else appeared. Mr. Cushing stated that Mr. W. P. Rudd, attorney for the New York Central and Hudson River Railroad Company, had authorized him to state that that company had withdrawn its opposition. After hearing evidence and arguments the hearing was closed. (Case No. 3465.)

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fourth street ferry, Long Island City, to the Calvary, Zion and Lutheran cemeteries. Answer of company received. Copy sent complainant. (Case No. 3531.)

Percy L. Marvin, of Buffalo, against the Buffalo, Rochester and Pittsburgh Railway Company as to locking of passenger car doors in its train which enters the New York Central and Hudson River Railroad Company's station at Buffalo, at 8:30 a. m. Copy sent company. (Case No. 3543.)

In the matter of the complaint of Henry White and others against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at stations on the Third avenue elevated line, a report dated March 21, 1906, was received from the inspector of grade crossings as to station at Eighteenth street. Ordered filed. A hearing in this case was given in New York on March 27, 1906. (Case No. 3112.)

G. H. Harris against the Brooklyn Heights Railroad Company in relation to operation of cars on its crosstown surface line. Copy sent company. (Case No. 3545.)

William P. Gregg and others against the New York, Ontario and Western Railway Company as to the Cuddebackville station on its Port Jervis branch. Reply of complainant to answer of company received. Ordered carried on file. The inspector has been ordered to make a report in this matter. (Case No. 3455.)

In the matter of the recommendation of this Board to the New York City Railway Company as to change of motive power on its Twenty-eighth and Twenty-ninth streets crosstown line, a letter dated March 30, 1906, was received from the company stating that the matter would be submitted to the board of directors of the company. A letter dated March 30, 1906, was received from H. W. Hart, of New York city, as to change of motive power on the Fulton street line of said company. Ordered filed. (Case No. 3547.)

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Residents of Central Park against the Long Island Railroad Company as to operation of trains, etc. A report dated March 22, 1906, was received from the inspector. Ordered case carried on file. (Case No. 3459.)

Michael Thornton against the Rutland Railroad Company as to fence of that company along his land. Answer of company received stating that the fence would be fixed as early as practicable. Copy sent complainant. Closed. (Case No. 3472.)

Preambles and resolution of the board of aldermen of New York city against the Brooklyn Heights Railroad Company in relation to cars on the Graham and Flushing avenue line of said company. Copy sent company. (Case No. 3544.)

Borough President Coler's Committee of One Hundred and Prospect Heights Citizens' Association of Brooklyn against the Brooklyn Heights Railroad Company as to transfers. Ordered that the electrical expert make a report in this matter. (Case No. 3546.)

Resolution of the board of aldermen of New York city asking this Board to require the several elevated railroad companies operating in the various boroughs of the city of New York, to provide comfort or toilet-rooms on the various stations of said companies' railroads. Copies sent Interborough Rapid Transit Company and the Brooklyn Heights Railroad Company. (Case No. 3548.)

Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, against the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor. Answer of company received. Copy sent complainants. Reply of complainants received. Referred to Commissioner Rockwell. This case had heretofore been referred to Commissioners Baker and Rockwell. (Case No. 3535.)

Applications.

Application of the Delaware, Lackawanna and Western Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the maintenance of its Litchfield station, near Waverly, trains to continue to stop as they do now. Ordered carried on file. (Case No. 3549.)

Reports.

Report of the inspector of grade crossings, dated March 6, 1906, as to the One Hundred and Twenty-fifth street and Eighth avenue station of the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company). Ordered letter written company as to elevators or escalators at this station. (Case No. 3541.)

Hearings.

Village of Waterford against the United Traction Company, asking that said company relay certain tracks. James McPhillips for the village; L. E. Carr and P. C. Dugan for the United Traction Company. After hearing evidence and arguments the hearing was closed. It was ordered that the State Engineer and Surveyor be asked to have a bridge in question put in such condition as to be beyond the question of a doubt as to its capacity and reliability for carrying cars of the United Traction Company. (Case No. 3538.)

The Board took a recess until 2:30 p. m.

AFTER RECESS — 2:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Aldridge and Rockwell.

Complaints.

In the matter of the complaint of John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to running of cars and trains from the Staten Island ferry in the early morning hours, in which recommendations dated March 21, 1906, were made by this Board, letters dated March 23, 1906, were received from the Richmond Light and Railroad Company and the Staten Island Midland Railroad Company, and a letter dated March 30, 1906, was received from the Staten Island Rapid Transit Railway Company, and letters dated March 26 and April 2, 1906, were received from John R. Zwicky, and letter dated March 23, 1906, was received from H. H. Hutton, and letter dated March 27, 1906, was received from Henry Neiderhauser, in relation to these recommendations. Ordered filed. (Case No. 3457.)

Daniel A. Moran against the Long Island Railroad Company as to its passenger station at Valley Stream and as to changing cars at Jamaica, a letter dated March 29, 1906, was received from the company stating that the recommendations of the Board, as to lamps, had been complied with. Copy sent complainant. This case was closed on the minutes of March 21, 1906, and is not re-opened. (Case No. 3502.)

In the matter of the complaint of the Citizens' Improvement League, of Kensington, Parkville and vicinity, Brooklyn, against the Brooklyn Heights Railroad Company as to service rendered the public, a report dated March 30, 1906, was received from the electrical expert as to the result of a conference between complainants and the company, at which the electrical expert was present, accompanied by stenographic minutes of said conference, which resulted in the operation of a through car on the Reid avenue line. Ordered letter written complainants and case closed. (Case No. 3476.)

Applications.

In the matter of the application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance at once of the platform station at University Heights in the city of New York on the railroad operated by it, it being proposed that a new station be constructed on said railroad about at East One Hundred and Eighty-fourth street; and for consent to the discontinuance of the station at Fordham Heights, New York city, on the railroad operated by it after the station proposed to be constructed at East One Hundred and Eighty-fourth street is completed—a letter dated March 29, 1906, was received from John H. MacCracken, Syndic of the University of New York, asking to be heard in this matter. Although this hearing was closed on the minutes of March 28, 1906, in New York city, it is ordered that another hearing in the matter be set for Tuesday, April 10, 1906, 2 p. m., at the New York office of the Board, room 406, Whitehall building, 17 Battery place, New York city. (Case No. 3537.)

Application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3500.)

Reports.

In the matter of the recommendation of this Board contained in a letter dated April 5, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a Rome, Watertown and Ogdensburgh Railroad engine at the Second street grade crossing of the New York Central and Hudson River Railroad in Niagara Falls, a letter dated March 26, 1906, was received from the company as to compliance with the recommendations. Ordered letters written the International Railway Company and the New York Central and Hudson River Railroad Company as to this recommendation. (Street Case No. 52—1904.)

In the matter of the recommendation of this Board contained in a letter dated April 7, 1905, to the International Railway Company growing out of a collision between an International Railway Company car and a light engine at the Niagara street grade crossing of the Erie Railroad in Buffalo, a letter dated February 26, 1906, was received from the company as to the recommendation. Ordered letters written the International Railway Company and the Erie Railroad Company as to this recommendation. (Street Case No. 54—1904.)

Crossings.

Petition of the mayor and common council of the city of Troy, under section 62 of the Railroad Law, as to changing the Middleburgh street grade crossing of the Boston and Maine Railroad in said city, so far as pedestrians are concerned, from grade to an overcrossing, it being proposed that a foot-bridge for pedestrians only be constructed at this point. Ordered hearing set for Tuesday, April 24, 1906, 2:30 p. m., at the office of the Board in Albany. (Grade Crossing Case No. 590.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated October 24, 1902, and modified determinations dated October 8, 1903, and November 30, 1904, as to Center avenue and Webster avenue in New Rochelle crossing the main line of the New York, New Haven and Hartford Railroad, and as to Webster avenue crossing the Harlem River and Port Chester branch of the New York, New Haven and Hartford Railroad, the Webster avenue crossings being undercrossings and the Center avenue crossing being an overcrossing—a report dated March 14, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 332.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 20, 1902, as to changing the Prior's road or

Manhasset and Old Westbury road grade crossing of the Long Island Railroad in the town of North Hempstead, Nassau county, to an undercrossing, and modified determination contained in a letter dated September 18, 1905, to the company and the supervisor of the town—a report dated March 14, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 312.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 23, 1904, as to the changing of the Broadway grade crossing of the New York and Putnam branch of the New York Central and Hudson River Railroad at Van Cortlandt, New York city, to an undercrossing, a report dated March 14, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 503.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated February 13, 1906, as to the changing of the Peek and Nott streets grade crossings of the Troy and Schenectady branch of the New York Central and Hudson River Railroad in the city of Schenectady to undercrossings, a blue print general plan marked "Issue No. 4" was submitted to the Board by the company with a letter dated March 20, 1906, together with a report thereon dated March 30, 1906, from the superintendent of the grade crossing bureau. Ordered said general plan "Issue No. 4" approved. (Grade Crossing Case No. 477.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, a blue print detailed plan showing foundations for the passenger station, and showing a subway and stairways at the station for which the masonry is already partially constructed, and showing subway for baggage lift at the station for which the masonry is already partially constructed, was submitted to the Board by the New York Central and Hudson River Railroad Company with a letter dated March 13, 1906, together with a report thereon dated March 30, 1906, from the superintendent of the grade crossing bureau. Ordered the company be written as to proportion of the cost of the station foundations, and the said subways and stairways which it is to bear entirely. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, revised blue print detail plans (one blue print) for the masonry at the Union street undercrossing was submitted to the Board by the New York Central and Hudson River Railroad Company in a letter dated March 13, 1906, together with a report thereon dated March 30, 1906, from the superintendent of the grade crossing bureau. Ordered said revised detail plans approved. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, a general plan for the work and estimate of the cost was submitted to the Board by the Erie Railroad Company in a letter dated March 20, 1906, together with a report thereon dated March 30, 1906, from the superintendent of the grade crossing bureau. This plan does not bear the approval of the Buffalo, Thousand Islands and Portland Railroad Company nor has the Board any information from that company on the subject of the plan, the Board having written the Erie Railroad Company to send in the plan irrespective of the Buffalo, Thousand Islands and Portland Railroad Company, inasmuch as that company had had opportunity to approve or disapprove the plan and had taken no ac-

tion. The plan shows space for four tracks for the Buffalo, Thousand Islands and Portland Railroad Company. Ordered that the Erie Railroad Company be written that the easterly abutment should be provided with wings, no wings being shown on the plan. (Grade Crossing Case No. 293.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination dated December 21, 1904, as to the closing and discontinuance of two highway grade crossings of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the town of Chatham, Columbia county, known as Cady's crossings, and the changing of one to an undercrossing of said railroad and the closing and discontinuance of the other, the travel therefrom to be diverted to the undercrossing by the construction of a new piece of highway—a detail blue print plan and specifications for the bridge were submitted to the Board by the company, in a letter dated March 5, 1906, together with a report thereon dated March 14, 1906, from the superintendent of the grade crossing bureau. Ordered said detailed plan and specifications for the bridge approved. (Grade Crossing Case No. 494.)

Orders.

Application of the Wallula and Oswegatchie Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3465.)

Henry White and others against the Interborough Rapid Transit Company (Manhattan Railway division) as to stairways at stations on the Third avenue line. Ordered recommendations, as shown by office original letter on file, made to the company as to the stations at Ninth and Eighteenth streets. (Case No. 3112.)

Louis H. Pink for the Milton Club, and others, against the New York City Railway Company as to condition of its cars on its east side lines and as to changing the operation of said lines from horses to electricity. Recommendations (second recommendations) made and ordered sent to the company as to improvement in traffic conditions. (Case No. 3524.)

Bills Approved.

The following bills were approved:

General Expenses.

Henry N. Rockwell (expenses).....	\$150 00
J. D. Shultz (March expenses).....	42 60
C. R. Barnes (February and March expenses).....	212 22
George W. Aldridge (expenses).....	226 50
Karl F. Colson (expenses).....	10 00
Remington Typewriter Company.....	6 00
William McNeilly (postage stamps).....	50 00
C. E. Argersinger, P. M. (P. O. box rent).....	4 00
"Klips," E. C. Cuyler, Secretary-Treasurer (March).....	25 00
Western Union Telegraph Company (February)....	3 33
Harold E. Miller.....	\$5 00
Harold E. Miller.....	1 25
	<hr/>
	6 25
The Printers Ink Publishing Company.....	9 00
J. B. Lyon Company.....	5 00
Hudson Valley Paper Company.....	3 00
Smith-Premier Typewriter Company.....	22 45
National Express Company.....	22 61
American Express Company.....	31 80
Brandow Printing Company.....	120 33

John R. McClellan.....	\$3 50
Great Bear Spring Company.....	3 00
New York city:	
Western Union Telegraph Co., January..	\$0 70
Western Union Telegraph Co., February..	1 82
	2 52
Battery Place Realty Company (April rent)....	150 00
Economy Clean Towel Supply Company.....	6 00
New York Telephone Company.....	11 12
Hudson River Telephone Company (February)....	28 22
	<hr/>
	\$1,154 45
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Grade Crossing Expenses.

A. H. Sutermeister (expenses).....	\$86 80
James E. Brazee (March expenses).....	83 65
Munson Supply Company.....	15 50
George W. Aldridge (expenses).....	82 50
Henry N. Rockwell (expenses).....	22 50
	<hr/>
	\$290 95
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Grade Crossing Construction Account.

For the State's proportion, due the New York Central and Hudson River Railroad Company, under a supplemental accounting of the cost of changing the Arsenal street, Watertown, highway grade crossing of the railroad operated by said company to an overcrossing, in pursuance of a determination of the Board of Railroad Commissioners, under section 62 of the Railroad Law, dated August 17, 1900....	\$68 69
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The Board adjourned.

ALBANY, APRIL 4, 1906.

The adjourned hearing in the matter of the complaint of Judson G. Wall against the New York City Railway Company as to issue of certain notes and as to alleged sale of stock of the Metropolitan Street Railway Company, which was to have been held to-day, was postponed until Thursday, April 12, 1906, 11:30 a. m., at the office of the Board in Albany. (Case No. 3520.)

UNION, APRIL 7, 1906.

Hearing before Commissioners Dunn and Baker (by delegation of the Board) in the matter of the petition of the Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, as to changing a highway grade crossing of said company's railroad in the town of Vestal, Broome county, to an undercrossing. Curtiss, Arms & Keenan (Mr. Arms appearing) for the petitioner: Harry C. Perkins for the town of Vestal, in opposition; A. D. Wales for Jacob B. Crane, property owner, in opposition; G. Tracy Rogers and J. P. E. Clarke for the Binghamton Railway Company, in favor of the petition. After hearing evidence and arguments the hearing was adjourned until Saturday, April 21, 1906, 10 a. m., at the Major House, in the village of Union, before Commissioners Dunn and Baker. (Grade Crossing Case No. 585.)

NEW YORK, APRIL 10, 1906.

The Board met pursuant to adjournment, Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the matter of the application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Ashley T. Cole appearing) for the applicant; Robert E. Farley for the Westchester Traction Company, in opposition; C. C. Paulding for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was adjourned until Tuesday, May 8, 1906, 10 a. m., at the New York office of the Board, rooms 5094-5097, in the Metropolitan building, Fourth avenue and Twenty-fourth street, New York city. (Case No. 3530.)

Augustus G. Miller and James Reynolds, representing the Van Nest Tax-payers' Association of New York city, appeared before the Board again complaining against the Union Railway Company as to said company not laying new tracks across a new bridge spanning the Bronx river and the New York, New Haven and Hartford Railroad at Westchester avenue, New York city. After hearing arguments this matter was referred to Commissioners Baker and Rockwell. (Case No. 3536.)

C. C. Paulding, attorney for the New York Central and Hudson River Railroad Company, appeared before the Board and filed a map with the Board in relation to the construction of additional tracks by said company in Watertown, which tracks cross streets at Bradley street, Snell street, Burdick street and Binsee not now crossed by this railroad; the new tracks are switch tracks. Testimony of an engineer of the company on this subject was heard. An agreement between the company and the city as to these tracks was presented to the Board and Mr. Paulding is to send a copy of this agreement here. This is not an application under section 60 of the Railroad Law and there is no statute requiring this Board to pass on the plans, but inasmuch as the city has agreed to the plan the Board ordered a letter of approval of it written the company and the city. (Grade Crossing Case No. 593.)

Complaints.

The further hearing on the application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its stations at University Heights and Fordham Heights, New York city, a new station to be constructed at East One Hundred and Eighty-fourth street, which was to have been held to-day to hear representatives of the University of New York in opposition, was not held, said opposition having been withdrawn. (Case No. 3537.)

Orders.

In the matter of the complaint of the Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, against the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor, recommendations covering this complaint and other matters were adopted and ordered issued to the Interborough Rapid Transit Company. This matter had been referred to Commissioner Rockwell and he reported verbally. (Case No. 3535.)

Joseph Beihlf against the Interborough Rapid Transit Company as to construction of elevated railroad station on the up-town side of the Manhattan Railway, lessor, at One Hundred and Thirtieth street and Eighth avenue, a recommendation as to the construction of a station at this point was adopted and ordered issued to the company. This matter had been referred to Commissioner Rockwell and he reported verbally. (Case No. 3439.)

The Board took a recess until 2:30 p. m.

MINUTES OF THE BOARD.

AFTER RECESS — 2:30 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

In the matter of the complaint of John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to running of cars and trains in the early morning hours on Staten Island to meet ferry boats from Manhattan, in which this Board has made recommendations dated March 21, 1906, the Staten Island Rapid Transit Railway Company and the Staten Island Railway Company appeared before the Board by George H. Campbell, vice-president, as to compliance with these recommendations; M. Altmann, representing the president of the Borough of Richmond, New York city; C. Scharrmacher, Henry Maass and D. F. Gornell appeared for complainants. After hearing arguments the hearing was closed. (Case No. 3457.)

The Board adjourned.

NEW YORK, APRIL 11, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of a station known as Kensington station on the southwesterly corner of the intersection of Lotts lane and Gravesend avenue, Brooklyn, it being proposed that a new station be located at the intersection of Gravesend avenue and Sixteenth avenue line operated by said company. J. W. Searing, counsel; D. S. Smith, general superintendent; W. O. Wood, assistant superintendent, and W. S. Mendon, chief engineer, appeared for the applicant. Cushing & Cushing appeared for the Local Improvement League of Kensington and Parkville and for certain owners and residents in that locality, in opposition; T. DeQuincy Tully, for the Citizens' Improvement League of Kensington, Parkville and vicinity, in opposition; Andrews Klam, chairman, Railroad Committee, Citizens' Improvement League of Kensington, Parkville and vicinity, in opposition; Harry E. Fuller, M. Prager, J. Weales, members of the Citizens' Improvement League of Kensington, Parkville and vicinity, in opposition; J. W. Urell, L. C. Prophet, M. O. MacLean, Everhard J. Folke, Reinhard Hall and Matthew A. Smith, citizens and taxpayers, in opposition. After hearing evidence and arguments the hearing was closed. Commissioner Rockwell and Electrical Expert Barnes are to get out a determination in this matter. (Case No. 3533.)

Bills Approved.

The following bills were approved:

General Expenses.

E. C. McEntee (expenses).....	\$13 50
A. L. Judson (expenses).....	75 00
	<hr/>
	\$88 50
	<hr/>

The Board adjourned.

ALBANY, APRIL 12, 1906.

The adjourned hearing in the matter of the complaint of Judson G. Wall against the New York City Railway Company as to issue of certain notes and as to alleged sale of stock of the Metropolitan Street Railway Company, which was to have been held to-day, was postponed until Tuesday, April 24, 1906, 11:30 a. m., at the office of the Board in Albany. (Case No. 3520.)

ROCHESTER, APRIL 17, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Rochester, Scottsville and Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Lewis & McKay (Mr. McKay appearing) for the applicant; Herbert P. Bissell for the Buffalo and Rochester Traction Company, in opposition; John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company, in opposition; Orcutt, Robbins & Brown (Mr. Brown appearing) for the Erie Railroad Company, in opposition; George Hollister for the Pennsylvania Railroad Company; Harris & Harris (Daniel M. Beach appearing) for the New York Central and Hudson River Railroad Company, not in opposition at this time, but reserving the right to appear in opposition. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3532.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Rochester, Scottsville and Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Tuesday, May 15, 1906, 10 a. m., at the Courthouse, Rochester. (Case No. 3532.)

The Board adjourned.

BUFFALO, APRIL 18, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company. After hearing evidence and arguments a recess in this matter was taken until 2 o'clock. (Case No. 3082.)

MINUTES OF THE BOARD.

Applications.

Application of the Electric City Railway Company (street surface), under section 68 of the Railroad Law, for a re-hearing of its application as to crossing the Erie Railroad (steam) and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company (steam) on Niagara street, Niagara Falls, temporarily at grade, and for determination as to permanent under-crossing, which application for a temporary crossing at grade was denied by the Board on October 10, 1905. Ordered carried on file. (Case No. 3380.)

Hearings.

In the matter of a crossing at grade of the Delaware, Lackawanna and Western Railroad, the Buffalo Creek Railroad, the Pennsylvania Railroad and the New York, Chicago and St. Louis Railroad at the junction near Smith street, Buffalo. E. E. Hart, chief engineer, appeared for the New York, Chicago and St. Louis Railroad Company; Henry W. Sprague, attorney, and E. F. Knibloe, general agent, appeared for the Buffalo Creek Railroad Company; C. J. Phillips, superintendent Buffalo division, appeared for the Delaware, Lackawanna and Western Railroad Company; Frank Rumsey, attorney, appeared for the Pennsylvania Railroad Company. Representatives of the companies stated that several conferences in the matter of changing this crossing from grade had been held, but that no agreement had been reached. Ordered further hearing set for Wednesday, May 16, 1906, 12:30 p. m., at the Hotel Iroquois, Buffalo. (Inspection No. 29 — 1905.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate, under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Thursday, April 19, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

Orders.

Application of the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its station, known as Kensington, at the southeasterly corner of the intersection of Lotts lane and Gravesend avenue, Borough of Brooklyn, New York city. Determination and recommendations as shown by office original determination and recommendations on file. (Case No. 3533.)

In the matter of the complaint of John R. Zwicky and others of Staten Island against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company, a second determination (to take the place of the determination dated April 18, 1906) was adopted and ordered issued. (Case No. 3457.)

The Board adjourned.

BUFFALO, APRIL 19, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Joseph G. Dudley and Parkér, Hatch & Sheehan (Mr. Hatch appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and for property owners, in opposition; Bushnell & Metcalf (Mr. Bushnell appearing) for the Buffalo, Lake Erie and Niagara Railroad Company. After hearing evidence and arguments, a recess was taken until 2 p. m. (Case No. 3082.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

The hearing in the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further, the hearing was adjourned until Wednesday, May 16, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3082.)

The Board adjourned.

UNION, APRIL 21, 1906.

Adjourned hearing before Commissioners Dunn and Baker (by delegation of the Board) in the matter of the petition of the Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, as to changing a highway grade crossing of said company's railroad in the town of Vestal, Broome county, to an undercrossing. Curtiss, Arms & Keenan (Mr. Arms appearing) for the petitioner; Harry C. Perkins for the town of Vestal; A. D. Wales for Jacob R. Crane, property owner, in opposition; G. Tracy Rogers and J. P. E. Clarke for the Binghamton Railway Company, in favor of the petition; Thomas A. MacClary for Mrs. Susy Harris, L. J. Rounds and F. L. Rounds, property owners. After hearing evidence and arguments the evidence was closed, but the matter was held open. Mr. Perkins withdrew the opposition of the town of Vestal at this hearing. (Grade Crossing Case No. 585.)

ALBANY, APRIL 24, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell. The minutes of the meetings of April 3, 4, 7, 10, 11, 12, 17, 18, 19 and 21 were read and approved.

Complaints.

W. H. Nearpass, supervisor town of Deerpark, Orange county, against the Milford, Matamoras and New York Railroad Company, as to bridge of that company which is lying in the Delaware river near Port Jervis. Copy sent company. (Case No. 3362.)

William E. Rogers against the New York City Railway Company as to the operation of its Madison avenue line. Copy sent company. (Case No. 3552.)

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its Cemetery line from Thirty-fourth street ferry, Long Island City, to the Calvary, Zion and Lutheran cemeteries. Reply of complainant to answer of company received. Ordered filed. (Case No. 3531.)

Percy L. Marvin against the Buffalo, Rochester and Pittsburgh Railway Company, as to locking of passenger car doors in its train which enters the New York Central and Hudson River Railroad Company's station at Buffalo at 8:30 a. m. Answer of company received, stating that this practice had been discontinued. Copy sent complainant. Closed. (Case No. 3543.)

The Terry & Tench Company, of New York city, against the New York, New Haven and Hartford Railroad Company as to shipment of steel for the New York, Westchester and Boston Railway Company. Copy sent company. Answer of company received. Copy sent complainant. Letter dated April 20, 1906, received from complainants to the effect that the cause of complaint had been removed. Ordered filed. Closed. (Case No. 3555.)

G. H. Harris against the Brooklyn Heights Railroad Company as to operation of cars on its crosstown surface line. Answer of company received. The Board has made recommendations, dated March 27, 1906, as to operation of cars on this line. Closed. (Case No. 3545.)

The Eighteenth Ward Taxpayers' Association of Brooklyn against the Brooklyn Heights Railroad Company as to operation of surface cars on its Metropolitan avenue and Meeker avenue lines. Copy sent company. Answer of company received to the effect that after a conference between the company and complainants, the cause of complaint had been removed. Copy sent complainants. Closed. (Case No. 3558.)

Louis H. Pink for the Milton Club, and others, against the New York City Railway Company as to operation of its east side lines. Letter dated March 30, 1906, received from the company as to compliance with the recommendations, dated March 28, 1906, as to change of motive power. Letter dated April 9, 1906, received from the company, stating that the recommendations dated April 3, 1906, as to operation of east side lines had been complied with except No. 6, as to heating of cars during 1906-07, "which will receive due attention." Ordered filed. (Case No. 3524.)

Edward C. Buchenau against the Erie Railroad Company as to additional train service on its New City branch. Letter dated April 20, 1906, received from the company. Copy sent Assemblyman Carnochan, who also complained in this matter. (Case No. 3342.)

Honora Collins against the New York City Railway Company as to Grand street cars of said company not stopping upon signal. Copy sent company. Answer of company received, stating that the matter would receive prompt attention. Copy sent complainant. Closed. (Case No. 3550.)

Harrison Wells against the Delaware, Lackawanna and Western Railroad Company as to use of switch at Cortland. Letter dated April 16, 1906, received from complainant. Hearing set for Saturday, April 28, 11 a. m., at the village hall. Waverly, before Commissioner Baker. (Case No. 3519.)

Grand Street Board of Trade, Brooklyn, against the Brooklyn Heights Railroad Company as to operation of surface cars of said company on Grand street. Copy sent company. Letter dated April 17, 1906, received from the company, stating that its answer would be made in a short time. Ordered filed. (Case No. 3557.)

Merchants and others of Canaseraga, Allegany county, on the Erie, and the Pittsburgh, Shawmut and Northern railroads, as to change of name of the Canaseraga station on the New York Central and Hudson River Railroad and the West Shore Railroad, lessor. A letter dated April 18, 1906, was received from the New York Central and Hudson River Railroad Company, stating that the name of the Canaseraga station would be changed to Sullivan on the time-table taking effect in June next. Copy sent complainants. Closed. (Case No. 3499.)

New York Stereotypers' Union No. 1 against the Brooklyn Heights Railroad Company as to employment of a towerman at night on its elevated

railroad at Myrtle avenue and Navy street, Brooklyn — the complaint alleging that its towerman also worked in the daytime for the Franklyn Electro-type Company in Manhattan. Copy sent company. Answer of company received denying the allegations of the complaint. Copy sent complainants. Letter dated April 20, 1906, received from complainants. Closed. (Case No. 3553.)

F. W. Brown against the New York City Railway Company as to flat wheels on car No. 44 of the company operating on One Hundred and Forty-fifth street, between Lenox avenue and Broadway. Copy sent company. (Case No. 3559.)

J. W. English against the Interborough Rapid Transit Company (Manhattan Railway division) as to the Eighty-first street station on the Sixth avenue line of the Manhattan Railway. Copy sent company. (Case No. 3561.)

Board of aldermen of the city of New York against the Interborough Rapid Transit Company as to drip pans on its elevated railroad structures, over the crosswalks on Westchester avenue and Southern boulevard. Copy sent company. (Case No. 3564.)

E. A. Howland against the Interborough Rapid Transit Company as to trains on its Manhattan Railway division passing Fifty-third street and Third avenue station without stopping. Closed. (Case No. 3487.)

M. H. Crampton against the Brooklyn Heights Railroad Company as to service rendered the public. Closed. (Case No. 3494.)

James Lawless against the Buffalo Southern Railway Company as to its not operating its railway. Closed. (Case No. 3540.)

Board of supervisors of Monroe county against the Rochester and Sodus Bay Railway Company as to service rendered the public. Closed. (Case No. 3503.)

Edwin M. Dorland against the Rutland Railroad Company as to alleged setting of fires by locomotive engines of that company. Closed. (Case No. 3497.)

In the matter of the recommendations of this Board to the Long Island Electric Railway Company and the New York and Queens County Railway Company contained in a letter dated March 8, 1906, as to procuring additional passenger cars, letters dated April 7, 1906, were received from the companies, stating that the recommendations had been referred to the presidents and boards of directors. Ordered letters written companies as shown by office original letters on file. (Case No. 3528.)

Preambles and resolutions of the board of aldermen of the city of New York in relation to heating of cars of the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Statements as to heating of cars of the Brooklyn Heights Railroad Company from March 26 to April 1, inclusive, from April 1 to April 9, inclusive, and from April 9 to April 16, were received from the company. Ordered filed. (Case No. 3509.)

Isi Fischer against the Interborough Rapid Transit Company in relation to signals on the One Hundred and Tenth street curve on the Manhattan Railway, lessor. The electrical expert has been ordered to make a report in this matter. The matter was also referred to Commissioner Rockwell to consult with the electrical expert as to report. (Case No. 3551.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to conditions in the operation of its Jackson avenue line. Report dated April 11, 1906, received from the inspector of grade crossings. Ordered matter referred to Commissioners Baker and Rockwell. (Case No. 3491.)

A. W. Thompson, mayor of Kingston, against the Kingston Consolidated Railroad Company as to service rendered the public. Letters dated April 3 and April 7, 1906, were received from the company as to compliance with the recommendation of this Board, dated February 20, 1906. A report dated April 7, 1906, was also received from the inspector as to compliance with the recommendation. Ordered filed. (Case No. 2485.)

William P. Gregg and others against the New York, Ontario and Western Railway Company as to the Cuddebackville station on its Port Jervis branch. Report dated April 10, 1906, received from the inspector. Ordered referred to Commissioner Dickey. (Case No. 3455.)

John R. Zwicky and others, of Staten Island, against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. A letter dated April 21, 1906, was received from John R. Zwicky as to the second determination of this matter by the Board, dated April 18, 1906. Ordered filed. (Case No. 3457.)

Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, and Van Nest Taxpayers' Association of New York city, against the Union Railway Company as to non-operation of its railway across a new bridge spanning the Bronx river and the New York, New Haven and Hartford Railroad at Westchester avenue, New York city. Commissioners Baker and Rockwell reported verbally that this matter had been arranged and the company was to begin operating over the bridge, and a telegram dated this day was received from the president of the company to this effect. (Case No. 3536.)

Resolution of the board of alderman of New York city asking this Board to require the several elevated railroad companies operating in the various boroughs of the city of New York to provide comfort or toilet-rooms on the various stations of said companies' railroads. Answer of the Interborough Rapid Transit Company received, stating that all the stations on its Manhattan Railway division are equipped with toilet-rooms in the Borough of Manhattan and that there are few stations in the Borough of the Bronx where the toilet-rooms are not open to the public, but are available on application to the agents at the stations. Copy sent city clerk. Answer of the Brooklyn Heights Railroad Company received, stating that it had completed the work on installing toilet-rooms at its elevated railroad stations at all points except the station at Myrtle avenue and Adams street, westbound. Ordered copy sent city clerk. (Case No. 3548.)

Applications.

Application of the Rochester and Elmira Electric Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Monday, May 14, 1906, 10 a. m., at the Courthouse, Rochester. (Case No. 3563.)

Hearings.

Adjourned hearing in the matter of the complaint of Judson G. Wall against the New York City Railway Company as to issue of certain notes and as to alleged sale of stock of the Interurban Street Railway Company. Hon. Julius M. Mayer, Attorney-General of the State, at the request of this Board; H. A. Robinson for the New York City Railway Company. Without the hearing of evidence or arguments the hearing was adjourned until Tuesday, May 8, 1906, 11:30 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3520.)

In the matter of the determination of this Board, dated February 13, 1906, denying the petition of the New York, New Haven and Hartford Railroad Company, under section 62 of the Railroad Law, as to a grade crossing of the Highland division of said company's railroad in the town of South East, Putnam county, by a highway at a point known as the first grade crossing west of bridge over Croton river at Brewster, William Greenough appeared before the Board and asked that this decision be reversed and the application granted. Mr. Greenough also appeared after recess and was heard further in this matter. (Grade Crossing Case No. 556.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 18, 1901, and modified determination dated November 30, 1904, as to the closing and discontinuance of the Sowle road grade crossing of the Buffalo and South Western branch of the Erie Railroad in the town of Hamburg, Erie county, a report dated April 19, 1906, was received from the inspector of grade crossings as to the completed work, indorsed with the approval of the superintendent of the grade crossing bureau. Ordered completed work approved, neither the State nor the town to bear any portion of the expense. (Grade Crossing Case No. 323.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated August 9, 1904, as to the Lowville and Beaver River Railroad crossing streets, avenues and highways, a report dated April 12, 1906, was received from the inspector of grade crossings as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 492.)

In the matter of the petition of the president and trustees of the village of Livonia, under section 62 of the Railroad Law, as to the elimination of three grade crossings of the Erie Railroad by Main street, Big Tree street and West avenue (so called) in the village of Livonia, a report dated April 20, 1906, was received from the superintendent of the grade crossing bureau. Ordered filed. (Grade Crossing Case No. 469.)

Orders.

Petition of the Delaware, Lackawanna and Western Railroad Company, under section 62 of the Railroad Law, as to changing a grade crossing of its railroad by a highway at a point just north of the Vestal station on said railroad to an undercrossing. Determination, as shown by office original determination on file, that said crossing shall be changed to an undercrossing. (Grade Crossing Case No. 585.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its stations at University Heights and Fordham Heights, New York city, a new station to be constructed about at East One Hundred and Eighty-fourth street. Granted, as shown by office original determination on file. (Case No. 3537.)

The Board took a recess until 1:45 p. m.

AFTER RECESS — 1:45 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

U. S. Grant Cure of Pine Hill against the Ulster and Delaware Railroad Company as to freight rates on coal. Arthur E. Rose and Mr. Cure appeared for complainant; L. E. Carr and Amos Van Etten appeared for the Ulster and Delaware Railroad Company. After hearing arguments Mr. Carr stated that a \$10 switching charge which the Ulster and Delaware Railroad Company charges for switching a coal car at Kingston would be removed and that coal cars should take the same switching charge as other cars. On this statement the matter was closed without an order. (Case No. 3496.)

Petition of the mayor and common council of the city of Troy, under section 62 of the Railroad Law, as to the construction of an overhead bridge for pedestrians across the Boston and Maine Railroad at Middleburgh street in said city. George B. Wellington for petitioners; Frederick C. Filley for himself, in favor of the application; J. P. O'Brien for the Boston and Maine Railroad. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. There is to be a conference of engineers representing the city, the company, and the superintendent of the grade crossing bureau in this department, in relation to plan which may be proposed which may

take a form other than a bridge for pedestrians only. (Grade Crossing Case No. 590.)

Complaints.

Mrs. A. L. Greene against the United Traction Company and the Schenectady Railway Company as to height of steps of cars. Copy sent companies. (Case No. 3566.)

A letter dated April 23, 1906, was received from Tobey & Kirk, of New York city, in relation to first and second mortgages of the Seventh Avenue Railroad Company. Ordered that the opinion of the Attorney-General in the matter be asked. (Case No. 3574.)

An opinion dated April 18, 1906, was received from the Attorney-General as to companies not incorporated as railroad companies reporting to this Board. Ordered filed.

Applications.

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its One Hundred and Tenth street, New York city, station on the New York and Harlem Railroad, lessor. Ordered hearing set for Wednesday, May 2, 1906, 2:30 p. m., at the New York office of the Board, rooms 5094-5097, Metropolitan building, New York city. (Case No. 3565.)

Reports.

Report of the inspector of grade crossings, dated March 6, 1906, as to the One Hundred and Twenty-fifth street and Eighth avenue station of the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company). Letter dated April 12, 1906, received from the company. Ordered filed. (Case No. 3541.)

Report of the inspector, dated April 2, 1906, as to a collision between a passenger train and a locomotive of the New York Central and Hudson River Railroad in the Rochester passenger station, March 23, 1906. Ordered copy sent company, with letter of recommendation as shown by office original letter on file. (Steam Case No. 23 — 1906.)

Report of the superintendent of the grade crossing bureau dated April 6, 1906, as to head-on collision at Index station between passenger cars of the Oneonta, Cooperstown and Richfield Springs Railway on November 12, 1905. Ordered copy sent company. (Street Case No. 46 — 1905.)

Report of the superintendent of the grade crossing bureau, dated April 2, 1906, as to a collision between a United Traction Company's passenger car and Delaware and Hudson Company's passenger train January 15, 1906, at the easterly Tibbitts avenue crossing, Green Island. Ordered copy sent company. (Street Case No. 1 — 1906.)

Report of the inspector dated March 31, 1906, as to a collision between a work train and a freight train on the New York Central and Hudson River Railroad, near Suspension Bridge March 9, 1906. Ordered copy sent company. (Steam Case No. 20 — 1906.)

Report of the inspector dated April 2, 1906, as to derailment of passenger train on the Lehigh Valley Railroad, near Honeoye Falls, March 22, 1906. Ordered copy sent company. (Steam Case No. 21 — 1906.)

In the matter of the recommendations of this Board contained in a letter dated March 30, 1906, to the New York Central and Hudson River Railroad Company, growing out of a collision on said company's railroad, near Black Rock, February 26, 1906, a letter dated April 5, 1906, was received from the company stating that the recommendations would be complied with. Ordered filed. (Steam Case No. 17 — 1906.)

Report of the accountant dated April 10, 1906, of his attendance at meeting of accountants at convention of National Association of Railroad Commissioners in Washington in April. Ordered filed.

In the matter of the determination of this Board, under section 34 of the Railroad Law, dated December 13, 1905, as to discontinuing the West Lebanon station on the Rutland Railroad, a report dated April 4, 1906, was received from the inspector of grade crossings as to the discontinuance of said station and the establishment of a station at Adams crossing. Ordered filed. (Case No. 3367.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated June 20, 1905, and supplemental determination dated July 6, 1905, as to the Long Island Electric Railway crossing at grade the Long Island Railroad at a point in the Jamaica and Hempstead turnpike near Queens, a report dated April 12, 1906, was received from the inspector of grade crossings as to the installation of derails and signals at this crossing. Ordered filed. (Case No. 3303.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated December 2, 1903, as to the railroad of the New York and Long Island Traction Company crossing the Long Island Railroad at four points, a report dated April 11, 1906, was received from the inspector of grade crossings that the crossing (overcrossing) on Franklin street, Mineola, has not been made. (Case No. 2981.)

In the matter of residents of Sherman Park against the New York Central and Hudson River Railroad Company, New York and Harlem division, as to the erection of a new station at that point, a report dated April 14, 1906, was received from the inspector of grade crossings to the effect that the new station is being erected. Ordered filed. (Case No. 2393.)

In the matter of the recommendation of this Board as to equipment of cars of the Union Railway Company with sand-boxes, a letter dated April 3, 1906, was received from the company in answer to the letter of this Board to it of April 2. Ordered further letter written company on the subject. (Street Case No. 50 — 1904.)

Crossings.

Petition of the town board of the town of Cornwall, Orange county, under section 62 of the Railroad Law, as to changing the Willow avenue grade crossing of the New York, Ontario and Western Railway at or near Firth-cliffe station on said railway to an undercrossing. Ordered hearing set for Friday, May 11, 1906, 10 a. m., at the Palatine Hotel, Newburgh, before Commissioners Dickey and Rockwell and perhaps other Commissioners. (Grade Crossing Case No. 592.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by the Delaware and Hudson Company in Schenectady from grade to undercrossings, a report dated April 21, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated December 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing of the railroad, and the closing of the east end of Davis street where it joined North Union street, a report dated April 17, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 416.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 25, 1904, as to changing the Chautauqua road or Valley street (or Lake road) grade crossing of the Pennsylvania Railroad in the village of Mayville, Chautauqua county, to an overcrossing of the railroad, a report dated April 19, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 491.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1899, as to changing a grade crossing of the

Fitchburg Railroad (operated by the Boston and Maine Railroad) at Melrose in the town of Schaghticoke, Rensselaer county, to an undercrossing, in which this Board determined that the drainage should be changed (see minutes of November 10, 1905), a report dated April 5, 1906, was received from the inspector of grade crossings that the drainage has not yet been changed. A letter dated April 3, 1906, has been written the company on this subject. (Grade Crossing Case No. 1.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1902, as to changing the Pine, Fonda, Nott and Romeyn street grade crossings of the railroad operated by the Delaware and Hudson Company in Schenectady to undercrossings, a report dated April 3, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 390.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to a second track on the Highland division of the New York, New Haven and Hartford Railroad crossing streets, avenues and highways, a report dated April 10, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 559.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated February 13, 1906, as to changing the Peek and Nott streets grade crossings of the Troy and Schenectady branch of the New York Central and Hudson River Railroad in the city of Schenectady to undercrossings, an estimate of the cost of the work, amounting in total to \$39,000, was submitted to the Board by the company, together with a report dated April 12, 1906, from the superintendent of the grade crossing bureau. Ordered said estimate approved. (Grade Crossing Case No. 477.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, a blue print plan showing proposed change of grade of Union street between North College street and the Erie canal, Union street lift bridge, was submitted to the Board by the company, together with a report thereon dated April 5, 1906, from the superintendent of the grade crossing bureau. Ordered said plan approved. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to a second track on the Highland division of the New York, New Haven and Hartford Railroad crossing streets, avenues and highways, plans for the undercrossing (No. 4) about one-quarter of a mile east of Stormville station, and for the undercrossing at Peck's crossing (No. 1) one mile west of Towner's station, were submitted to the Board by the company, together with a report thereon, dated April 5, 1906, from the superintendent of the grade crossing bureau. Ordered that a letter be written the company stating that the Board approves these plans, although, under the statute, this Board is not called upon to pass upon plans for crossings under section 60. (Grade Crossing Case No. 559.)

Orders.

In the matter of the report of the inspector of grade crossings, dated March 6, 1906, as to the One Hundred and Twenty-fifth street and Eighth avenue station of the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company), ordered that a recommendation be issued to the company that it install at this station a sufficient number of elevators to accommodate the public. (Case No. 3541.)

Bills Approved.

The following bills were approved:

General Expenses.

F. M. Baker	\$4 99
J. S. Kennedy (expenses)	10 00
John J. Farley (expenses)	17 00
H. C. Keyes (expenses)	5 25
The Smith-Premier Typewriter Co.	12 35
	<hr/>
	\$49 59
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Grade Crossing Expenses.

J. S. Kennedy (expenses)	\$10 00
Jno. J. Farley (expenses)	10 00
Karl F. Colson (expenses)	12 50
The Smith-Premier Typewriter Co.	115 00
Joseph M. Schneider	44 50
Wm. McNeilly (postage stamps)	100 00
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	\$292 00
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The Board adjourned.

WAVERLY, APRIL 28, 1906.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the petition of the president and trustees of the village of Waverly as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad in said village to an overcrossing. Frank A. Bell for the petitioners; E. C. Clifton for the Lehigh Valley Railroad Company, not in opposition; James E. Angell and Horace Rood, property owners, appeared in person. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 576.)

Harrison Wells against the Delaware, Lackawanna and Western Railroad Company as to a switch in Cortland. Harrison Wells appeared in person; A. D. Falck for the Delaware, Lackawanna and Western Railroad Company. After hearing arguments the hearing was adjourned to a date to be thereafter fixed. Ordered opinion of Attorney-General asked in this matter. (Case No. 3519.)

ALBANY, MAY 2, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Aldridge (Commissioners Baker and Rockwell were in Long Island City in the matter of complainants against the street surface railroads in that city as to service rendered the public).

The minutes of the meetings of April 24 and 28 were read and approved.

Hearings.

In the matter of the petition of the president and trustees of the village of Westfield, Chautauqua county, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in said village to an overcrossing, which matter is

pending, Jerome B. Fisher, attorney for the Chautauqua Traction Company, appeared before the Board and filed with the Board a stipulation as to that company bearing a portion of the cost of an overcrossing (if the Board should determine that one shall be constructed at this point) sufficient to carry a single track of said company's railroad. (Grade Crossing Case No. 565.)

Complaints.

William E. Rogers against the New York City Railway Company as to operation of its Madison avenue line. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered the electrical expert make a report in this matter. (Case No. 3552.)

J. H. Andrews against the Brooklyn Heights Railroad Company as to speed of cars on Franklin avenue between Greene and Gates avenues, Brooklyn. Report dated April 27, 1906, received from the electrical expert. Ordered filed. This case was closed on the minutes of April 3, 1906, and is not reopened. (Case No. 3534.)

Mrs. A. L. Greene against the United Traction Company and the Schenectady Railway Company as to height of steps of cars. Answers of companies received. Copies sent complainant. Ordered that the electrical expert make a report in this matter. (Case No. 3566.)

In the matter of the recommendations of this Board, dated March 8, 1906, to the New York and Queens County Railway Company and the Long Island Electric Railway Company as to said companies procuring additional passenger cars, a letter dated April 30, 1906, was received from the New York and Queens County Railway Company, stating that twenty additional cars have been authorized to be purchased to be delivered in September next. Ordered referred to Commissioners Baker and Rockwell. A letter dated April 30, 1906, was received from the Long Island Electric Railway Company to the effect that the recommendation would not be complied with. Ordered referred to Commissioners Baker and Rockwell. (Case No. 3528.)

John Dort, of Oramel, Allegany county, against the Pennsylvania Railroad Company as to its passenger station at that point. Copy sent company. (Case No. 3569.)

Resolution of the board of alderman of New York city asking this Board to require the several elevated railroad companies operating in the various boroughs of the city of New York to provide comfort or toilet-rooms on the various stations of said companies' railroads. Closed. (Case No. 3548.)

In the complaint of Joseph Beihlf against the Interborough Rapid Transit Company and in the matter of the recommendation of this board to said company, dated April 10, 1906, that it construct a station on its Manhattan Railway line at Eighth avenue and One Hundred and Thirtieth street, New York city—a letter dated April 23, 1906, was received from the company stating that "Plans have been drawn up and approved, and the material for the station has been ordered. We are rushing this work as much as possible." Ordered that the electrical expert report, within thirty days, whether this station is being constructed. Copy of the company's letter sent complainant. Letter dated April 26, 1906, received from complainant. The Board decided that it would not insist upon the second recommendation that plans for this station be submitted to this Board within thirty days from April 10, inasmuch as the company states that the plans have been drawn and the work is being rushed. (Case No. 3439.)

Charles J. Austin against the New York City Railway Company as to operation of its cars between the corner of Thirty-fourth street and Tenth avenue and the North river. Copy sent company. Ordered the electrical expert make a report in this matter. (Case No. 3567.)

Grand Street Board of Trade, of Brooklyn, against the Brooklyn Heights Railroad Company as to operation of surface cars of said company on Grand street. A report dated April 27, 1906, was received from the electrical expert. Ordered filed. The answer of the company in this matter has not yet been received. (Case No. 3557.)

W. B. Van Alstyne against the Albany and Hudson Railroad Company as to shipment of milk. Letter dated April 25, 1906, received from the company in relation to the recommendations of this Board contained in a letter dated February 26, 1906, to the company. Copy sent complainant. Letter dated April 27, 1906, received from complainant to the effect that the cause of complaint had been removed. Closed. (Case No. 3462.)

Henry A. Dana, of Lancaster, Erie county, in relation to alleged abandonment of passenger station at that point on the Lehigh Valley Railroad. The inspector has been instructed to make a report in this matter. (Case No. 3568.)

W. H. Nearpass, supervisor town of Deer Park, Orange county, against the Milford, Matamoras and New York Railroad Company as to bridge of that company which is lying in the Delaware river near Port Jervis. Answer of the company received. Ordered copy sent complainant. Report dated April 21, 1906, received from the inspector. Ordered filed. (Case No. 3562.)

Preambles and resolutions of the board of aldermen of the city of New York in relation to heating of cars of the New York City Railway Company, the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company. Letter dated April 23, 1906, was received from the Brooklyn Heights Railroad Company as to heat not having been turned on in the period from April 16 to April 23, inclusive. Ordered filed. (Case No. 3509.)

Arthur C. Ferguson against the Troy and New England Railway Company as to the physical condition of its railroad. A letter dated April 25, 1906, received from the receiver of the company as to steps being taken to improve the physical condition of this railroad. Ordered filed. (Case No. 2886.)

Irving H. Loughran, of Walden, against the Orange County Traction Company as to service rendered the public. Ordered hearing set for Friday, May 11, 1906, 2 p. m., at the Palatine Hotel, Newburgh, before Commissioners Dickey and Rockwell. (Case No. 3571.)

Mrs. William Lasher, of Browns Station, against the Ulster and Delaware Railroad Company as to height of steps on passenger cars. Copy sent company. (Case No. 3570.)

In the matter of the recommendations of this Board, dated March 22 and March 27, 1906, to the Brooklyn Heights Railroad Company as to increase of service on its elevated and surface lines, reports dated April 26, 1906, were received from the electrical expert to the effect that the recommendations have been complied with. Ordered filed. (Case No. 3542.)

F. W. Brown against the New York City Railway Company as to flat wheels on car No. 44 of the company operating on One Hundred and Forty-fifth street, between Lenox avenue and Broadway. Answer of the company received to the effect that the cause of complaint had been removed. Copy sent complainant. Closed. (Case No. 3559.)

John R. Zwicky and others, of Staten Island, against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Letter dated April 30, 1906, received from the Staten Island Midland Railroad Company that the recommendations of the Board dated April 18, 1906, so far as that company is concerned will be complied with; letter dated April 30, 1906, received from the Richmond Light and Railroad Company that the recommendations so far as that company is concerned will be complied with; letter dated April 27, 1906, received from the Staten Island Rapid Transit Railway Company that the recommendations so far as that company is concerned will be complied with. Ordered filed. (Case No. 3457.)

U. S. Grant Cure, of Pine Hill, against the Ulster and Delaware Railroad Company as to freight rates on coal. Letter dated May 1, 1906, received from the company stating that, effective that date, it has discontinued a switching charge of \$10 per car of anthracite coal received from its connecting lines at Kingston, N. Y. Copy sent complainant. Ordered filed. This case was closed on the minutes of April 24 and is not re-opened. (Case No. 3496.)

Reports.

Statistics in the matter of the transportation problem in Greater New York and a comparative statement of operations of surface, elevated and subway lines for the first three months of 1905 and 1906 were ordered issued. (Case No. 2804.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated May 29, 1902, as to the Cortland County Traction Company's railroad (street surface) crossing at grade the Syracuse, Binghamton and New York Railroad (steam) in Elm street, Cortland, a report dated April 27, 1906, was received from the inspector of grade crossings to the effect that the conditions in the determination have not been complied with by the Cortland County Traction Company. Ordered letter written the company. (Case No. 2677.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated October 10, 1905, as to the Rochester, Syracuse and Eastern Railroad (street surface) crossing the New York Central and Hudson River Railroad and West Shore Railroad, lessor (steam), a report, dated April 26, 1906, was received from the inspector of grade crossings as to the third point of crossing Central and West Shore between Newark and Lyons. Ordered filed. (Case No. 3404.)

Report of the inspector dated April 23, 1906, as to accident to brakeman Clark, who struck a bridge on the Pennsylvania division of the New York Central and Hudson River Railroad near Corning, April 3, 1906. Ordered copy sent company. (Steam Case No. 24 — 1906.)

Report of the inspector, dated April 23, 1906, as to derailment of passenger train No. 108 on the Erie Railroad near Blasdell, April 9, 1906. Ordered copy sent company. (Steam Case No. 25 — 1906.)

Report of the inspector dated April 23, 1906, as to collision between a passenger train and a switching engine on the New York Central and Hudson River Railroad in the Exchange street station, Buffalo, 7:05 a. m., April 10, 1906. Ordered copy sent company. (Steam Case No. 26 — 1906.)

Report of the electrical expert dated April 26, 1906, as to derailment of a car on the Rochester and Eastern Rapid Railway, February 24, 1906, near siding No. 18. Ordered copy sent company. (Street Case No. 8 — 1906.)

Report of the inspector dated April 21, 1906, as to John Peters, an engineer of the New York Central and Hudson River Railroad, striking a water column near Herkimer, March 22, 1906. Ordered copy sent company with letter of recommendation as shown by office original letter on file. (Steam Case No. 22 — 1906.)

Applications.

Application of the Chautauqua Traction Company (street surface), under section 68 of the Railroad Law, for a determination that its single track railroad may cross temporarily at grade the New York, Chicago and St. Louis Railroad (steam) on North Portage street in the village of Westfield. Ordered hearing set for Wednesday, May 16, 1906, 2:30 p. m., at the Hotel Iroquois, Buffalo. (Case No. 3572.)

In the matter of the application of the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its station known as Kensington on the southeasterly corner of the intersection of Lotts lane and Gravesend avenue, in which determination and recommendations, dated April 18, 1906, were made by the Board, a letter dated April 24, 1906, was received from Cushing & Cushing, who had appeared in opposition, thanking the Board for its action. Ordered letter written Cushing & Cushing as shown by copy on file. (Case No. 3533.)

Crossings.

In the matter of the determination of this Board, dated February 13, 1906, denying the petition of the New York, New Haven and Hartford Railroad

Company, under section 62 of the Railroad Law, as to a grade crossing of the Highland division of said company's railroad in the town of South East, Putnam county, by a highway at a point known as the first grade crossing west of bridge over Croton river at Brewster, it was ordered that a hearing be set on the application of the company (see minutes of April 24, 1906) for a determination in this matter at the New York office of the Board, rooms 5094-7, Metropolitan building, Fourth avenue and Twenty-fourth street, New York city, for Wednesday, May 9, 1906, at 10 a. m. This case is now re-opened. (Grade Crossing Case No. 556.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated May 23, 1905, as to McKinley avenue in the town of Union, Broome county, crossing overhead the Erie Railroad, a report dated April 23, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 537.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street, Niagara Falls, grade crossing of the Erie Railroad to an undercrossing, a report dated April 25, 1906, was received from the inspector of grade crossings. - Ordered filed. (Grade Crossing Case No. 501.)

In the matter of the petition of the president and trustees of the village of Homer as to changing the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad to an overcrossing, a report dated April 27, 1906, was received from the inspector of grade crossings. Ordered filed. (Grade Crossing Case No. 543.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, a report dated April 25, 1906, was received from the inspector of grade crossings. Ordered filed. (Grade Crossing Case No. 293.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 8, 1904, as to the closing and discontinuance of the Van Anden street grade crossing of the New York Central and Hudson River Railroad in the city of Auburn and the construction of new pieces of streets, a report dated April 26, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 470.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated March 4, 1903, as to Westside avenue in the city of Elmira crossing underneath the Erie Railroad, a report dated April 24, 1906, was received from the inspector of grade crossings. Ordered filed. (Grade Crossing Case No. 409.)

Orders.

Edward O. Buchenau against the Erie Railroad Company as to additional train service on its New City branch. Ordered recommendation made to the company that it operate a passenger train daily, except Sundays, leaving New City for New York about 6:20 a. m. arriving in New York about 8:07 a. m. (Case No. 3342.)

Petition of the president and trustees of the village of Westfield, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad to an overcrossing. Determination as shown by office original determination on file that the crossing shall be changed to an overcrossing. (Grade Crossing Case No. 565.)

Bills Approved.

The following bills were approved:

General Expenses.

F. M. Baker (expenses).....	\$110 00
J. D. Shultz (expenses).....	48 25
Brandow Printing Company.....	49 46
Brandow Printing Company.....	48 23
Brandow Printing Company.....	59 78
The Smith-Premier Typewriter Company.....	16 25
Western Union Telegraph Co.....	3 82
The Engineering Record.....	3 00
Street Railway Journal.....	4 00
National Railway Pub. Co.....	8 00
Great Bear Spring Co.	3 90
American Express Co.	133 80
National Express Co.	119 18
A. H. Clapp	13 52
John R. McClellan.....	2 80
Simpson, Morehead & Co.....	57 00
"Klips," E. C. Cuyler, Secy-Treas.	25 00
Postal Telegraph-Cable Co.	10 19
New York City — Western Union Telegraph Co.	2 31
New York City — George A. Traver, Supt	2 70
New York City — New York Telephone Co.	12 67
Hudson River Telephone Co.	32 07
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	\$765 93
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Grade Crossing Expenses

James E. Brazee (expenses).....	\$55 55
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The Board adjourned.

ALBANY, MAY 8, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

The minutes of the meeting of May 2 were read and approved.

Hearings.

Adjourned hearing in the matter of the complaint of Judson G. Wall against the New York City Railway Company as to issue of certain notes and as to alleged sale of stock of the Interurban Street Railway Company. Hon. Julius M. Mayer, Attorney-General of the State, at the request of this Board; Paul D. Cravath and H. A. Robinson for the New York City Railway Company. No one else appeared. After hearing evidence and arguments further the hearing was closed. (Case No. 3520.)

Complaints.

Charles J. Austin against the New York City Railway Company as to operation of its cars between the corner of Thirty-fourth street and Tenth avenue and the North River. Answer of company received. Copy sent complainant. Closed. (Case No. 3567.)

Mrs. A. L. Greene against the United Traction Company and the Schenectady Railway Company as to height of steps of cars. Reply of complainant to answer of companies received. Ordered filed. The electrical expert has been ordered to make a report in this matter. (Case No. 3566.)

In the matter of the recommendation of this Board dated March 28, 1906, to the New York City Railway Company as to changing the motive power on its Twenty-eighth and Twenty-ninth streets crosstown line to underground electricity, a letter dated May 4, 1906, was received from the company that "the change of motive power on these lines will be proceeded with when the material can be secured for the work." Ordered filed. (Case No. 3547.)

Isi Fischer against the Interborough Rapid Transit Company in relation to signals on the One Hundred and Tenth street curve on the Manhattan Railway, lessor. Letter dated May 2, 1906, received from complainant. Answer of company received. Copy sent complainant. The electrical expert of the Board, in consultation with Commissioner Rockwell, is to make a report in this matter. (Case No. 3551.)

J. W. English against the Interborough Rapid Transit Company (Manhattan Railway division) as to the Eighty-first street station on the Sixth avenue line of the Manhattan Railway. Answer of company received. Copy sent complainant. The electrical expert has been instructed to report in this matter. (Case No. 3561.)

Preambles and resolutions of the board of aldermen of New York city against the Brooklyn Heights Railroad Company in relation to cars on the Graham and Flushing avenue line of said company. Answer of company received. Copy sent complainants. Closed. (Case No. 3544.)

Applications.

Application of the New York and Long Island Traction Company for approval of an increase of its capital stock from one million dollars (\$1,000,000) to one million six hundred thousand dollars (\$1,600,000). Ordered hearing set for Wednesday, May 23, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, Twenty-fourth street and Fourth avenue, New York city. (Case No. 3573.)

Reports.

Daniel A. Moran against the Long Island Railroad Company as to its Valley Stream station and as to changing cars at Jamaica. Report dated May 2, 1906, received from the inspector stating that the recommendation of the Board as to the installation of additional lamps in the grounds of the Valley Stream station has been complied with. Ordered filed. This case was closed on the minutes of March 21, 1906, and is not re-opened. (Case No. 3502.)

In the matter of the recommendations of this Board as to equipment of cars of the Union Railway Company with sand-boxes, a letter dated May 3, 1906, was received from the company stating that the matter would be taken up with the executive committee "early next week and we will communicate with you at once upon the subject." (Street Case No. 50 — 1904.)

Report of the inspector dated May 2, 1906, of his inspection of the Long Island Railroad. Ordered copy sent company, with letter of recommendation as shown by office original letter on file. (No. 1 — 1906.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 14, 1904, as to the closing of the Light's grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad in the town of Carmel, Putnam county, and the construction of an overcrossing of said railroad at another point partly in the town of Carmel and partly in the town of Southeast, Putnam county, a report dated May 4, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 398.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to under crossings, in which on April 3, 1906, (see minutes of that date) a blue print detailed plan was submitted to the Board showing foundations for the passenger station and showing a subway and stairways at the station for which the masonry is already partially constructed and showing subway for baggage lift at station for which the masonry is already partially constructed, the blue print detail plan was again considered by the Board together with a letter from the New York Central and Hudson River Railroad Company dated May 2, 1906, and a report from the superintendent of the grade crossing bureau dated May 5, 1906, as to proportion of the cost of the station foundations and the said subways and stairways which said company is to bear entirely. Ordered that the superintendent of the grade crossing bureau make an additional report as to whether the cost to be borne by the State, city and companies should be credited with the amount of masonry made unnecessary by the openings referred to in his report dated May 5, 1906. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, blue print revised detail plans and specifications for the superstructure for the Union street lift bridge over the canal were submitted to the Board by the New York Central and Hudson River Railroad Company with a letter dated April 20, 1906, together with a report thereon dated May 5, 1906, from the superintendent of the grade crossing bureau. Ordered that the superintendent of the grade crossing bureau make a further report as to whether or not there will be additional cost through these revised detail plans. (Grade Crossing Case No. 369.)

A letter dated May 3, 1906, was received from Bird S. Coler, president of the Borough of Brooklyn, New York city, in relation to Hegeman avenue, Brooklyn, being in the future carried across the Long Island Railroad and a railroad operated by the Brooklyn Heights Railroad Company (Brooklyn and Rockaway Beach Railroad) under section 61 of the Railroad Law. Mr. Coler's letter asked this Board to ask the Brooklyn Heights Railroad Company to suspend work on a concrete retaining wall at the point in question pending a determination by the Board under section 61 of the Railroad Law of the manner in which Hegeman avenue shall be carried across the said company's railroad. Letter dated May 5, 1906, written Mr. Coler calling his attention to the procedure set forth in section 61 of the Railroad Law. Letter dated May 5, 1906, written the Brooklyn Heights Railway Company in relation to the concrete retaining wall referred to in Mr. Coler's letter. A report dated May 7, 1906, in this matter received from the superintendent of the grade crossing bureau. Ordered that the superintendent of the grade crossing bureau make a further report as to whether or not the street is a dedicated street. Letter dated May 7, 1906, received from the Brooklyn Heights Railroad Company in relation to the concrete retaining wall construction. Copy sent Mr. Coler. (Grade Crossing Case No. 594—this may become a regular case under section 61.)

In the matter of the petition of the mayor and common council of the city of Troy, under section 62 of the Railroad Law, as to the construction of an overhead bridge for pedestrians across the Boston and Maine Railroad at Middleburgh street in said city, a report dated May 4, 1906, was received from the superintendent of the grade crossing bureau as to the result of a conference between himself and engineers representing the city and the company (see minutes of April 24, 1906). Ordered filed. (Grade Crossing Case No. 590.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 9, 1904, as to the closing and discontinuance

of the Newburgh and Campbell Hall road highway grade crossing of the New York, Ontario and Western Railway near its Rock Tavern station and the construction of a new piece of highway and an overhead bridge crossing of said railway nearby, a report dated May 4, 1906, was received from the superintendent of the grade crossing bureau. Ordered carried on file. (Grade Crossing Case No. 488.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1899, as to changing a grade crossing of the Fitchburg Railroad (now operated by the Boston and Maine Railroad) at Melrose in the town of Schaghticoke, Rensselaer county, to an undercrossing, the accounting and settlement of the cost of this work (except for change of drainage not to exceed in total \$1,500; see minutes of November 10, 1905) between the town of Schaghticoke and the Boston and Maine Railroad was submitted to the Board together with a report thereon dated May 4, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost under said accounting and settlement, viz., six thousand four hundred and thirty-seven dollars and thirteen cents (\$6,437.13) be paid to the Boston and Maine Railroad. A further accounting and settlement will be made in the future of the cost of the additional drainage, not to exceed in total \$1,500. (Grade Crossing Case No. 1.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1901, as to the closing and discontinuance of the Sheep Pasture road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and the diversion of the travel to existing highway crossings of the railroad in the vicinity, particularly to an undercrossing of the railroad by the Dark Hollow road by means of a road called the Ravine road which was to be acquired as a highway under said determination if it was not a highway, and modified determination, dated September 6, 1904 — a letter dated May 1, 1906, was received from the Long Island Railroad Company to the effect that steps have not been taken to carry out the modified determination and that the town board desired that an overhead bridge be constructed. Ordered that a hearing on the question of whether the Board will reconsider this determination and modified determination be set for Wednesday, May 23, 1906, eleven a. m., at the New York office of the Board, room 5096, Metropolitan building, Twenty-fourth street and Fourth avenue, New York city. (Grade Crossing Case No. 225.)

Bills Approved.

The following bills were approved:

General Expenses.

Wm. McNeilly (postage stamps)	\$25 00
Metropolitan Life Ins. Co. (May rent of New York office)	175 00
H. C. Keyes (expenses)	9 00
Lord & Taylor	190 83
F. D. Sargent	16 50
Charles R. Barnes (expenses)	119 32
	<hr/>
	\$535 65
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Grade Crossing Expenses.

A H. Sutermeister (expenses)	\$25 30
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The Board adjourned.

NEW YORK, MAY 9, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the matter of the application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Mr. Werner appearing) for the applicant; Robert E. Farley and Edgar T. Brackett (Mr. Brackett not being present) for the Westchester Traction Company, in opposition; C. C. Paulding and A. B. Quencer for the New York Central and Hudson River Railroad Company in relation to proposed crossings of railroads operated by that company. After hearing evidence and arguments the evidence was closed, but the hearing was adjourned until Wednesday, May 23, 1906, 2 p. m., at the New York office of the Board, room 5096, Metropolitan building, Twenty-fourth street and Fourth avenue, New York city, when the matter will be summed up. Briefs are also to be filed. (Case No. 3530.)

Louis H. Gein, of Van Cortlandt, on the New York and Putnam division of the New York Central and Hudson River Railroad, as to rates of fare. The complainant appeared in person; C. C. Paulding appeared for the company. After hearing arguments the hearing was adjourned until Wednesday, May 23, 1906, 2 p. m., at the New York office of the Board, room 5096, Metropolitan building, Twenty-fourth street and Fourth avenue, New York city. Mr. Gein may withdraw his present complaint and file a new complaint in this matter. (Case No. 3539.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the New York, New Haven and Hartford Railroad Company, asking the Board to re-open and re-determine the matter of its petition, under section 62 of the Railroad Law, which was denied on February 13, 1906, in relation to a grade crossing of the Highland division of said company's railroad in the town of Southeast, Putnam county, by a highway known as the first grade crossing west of bridge over Croton river at Brewster. The matter was re-opened. William Greenough for the applicant. No one else appeared. No evidence was submitted in this application, the applicant resting on the evidence formerly submitted. The hearing was closed. (Grade Crossing Case No. 556.)

In the matter of the recommendations of this Board to the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor, and as to other matters,—in the complaint of the Property Owners Association of the Twenty-third Ward, Borough of the Bronx, New York city, E. P. Bryan, vice-president, and Frank Hedley, superintendent, for the company; Charles Baxter, Olin J. Stephens, Charles H. Haas and others, representing complainants, appeared before the Board and were heard in the matter of the recommendations. After hearing arguments the company was notified that unless it informed the Board by Monday, the 14th inst., that it would comply with these recommendations, the facts in the case would be presented to the Attorney-General for his consideration and action. On Monday, May 14, the company had not so notified the Board and the papers in the case were turned over to the Attorney-General under section 161 of the Railroad Law for his consideration and action. (Case No. 3535.)

Application of the New York Central and Hudson River Railroad Company and its lessor, the New York and Harlem Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the One Hundred and Tenth street and Park avenue, New York city, station on the New York and Harlem Railroad. George H. Walker for the applicant. No one else appeared. After hearing evidence and arguments the hearing was closed. (Case No. 3565.)

Reports.

Borough President Coler's Committee of One Hundred and the Prospect Heights Citizens' Association, of Brooklyn, against the Brooklyn Heights Railroad Company as to transfers. Report dated May 4, 1906, received from the electrical expert. Ordered filed. This is in the Judson G. Wall communication dated March 24, 1906. Report dated May 8, 1906, was also received from the electrical expert in the communication from J. J. Humphreys dated April 9, 1906. Ordered recommendation in this report as to the company connecting its tracks in Fulton street with tracks in Washington street, at or near Tillary street, made the recommendation of the Board and that the company be notified to appear before the Board at the New York office, room 5096, Metropolitan building, Twenty-fourth street, Fourth avenue, New York city, on Wednesday, May 23, 1906, at 11 o'clock a. m., in relation to compliance with this recommendation. Also ordered that the complainant be notified of this action and be informed that he may appear at the same time. A report dated May 8, 1906, was also received from the electrical expert of the Board also in the communication from J. J. Humphreys. Ordered that the recommendation in this report be made the recommendation of the Board and that the complainant be notified of this action. (Case No. 3546.)

Isi Fischer against the Interborough Rapid Transit Company in relation to signals on the One Hundred and Tenth street curve on the Manhattan Railway, lessor. A report dated May 8, 1906, was received from the electrical expert. Ordered copy sent complainant. Closed. (Case No. 3551.)

Board of Supervisors of Monroe county against the Rochester and Sodus Bay Railway Company as to service rendered the public. A report dated May 8, 1906, was received from the electrical expert. Ordered copy sent complainants. This case was closed on the minutes of April 24 and is not reopened. (Case No. 3503.)

N. E. Hutchens and Board of Supervisors of Monroe county against the Rochester and Eastern Rapid Railway Company as to the overcrowding of cars in the towns of Pittsford and Brighton, Monroe county. A report dated May 8, 1906, received from the electrical expert. Ordered copies sent complainants and case closed. (Case No. 3458.)

Preambles and resolution of the Board of Aldermen of New York city against the Brooklyn Heights Railroad Company in relation to cars on the Graham and Flushing avenue lines of said company. A report dated May 8, 1906, received from the electrical expert. Ordered copy sent complainants. This case was closed on the minutes of May 8, 1906, and is not re-opened. (Case No. 3544.)

Report of the electrical expert dated May 8, 1906, as to a supplementary inspection of the Buffalo Southern Railway Company's system. Ordered copy sent company with a letter of recommendation as shown by office original letter on file. Report of the electrical expert dated May 8, 1906, in relation to crossings of steam railroads by the Buffalo, Gardenville and Ebenezer Railway (now Buffalo Southern Railway). Ordered letter sent company as to compliance with the recommendations of this Board as to these crossings, especially the crossing of the Western New York and Pennsylvania Railway. (Case No. 2325.)

Report of the electrical expert dated May 8, 1906, as to a head-on collision between passenger cars on the Hudson Valley Railway, July 2, 1905, 11:45 p. m., about one mile north of Fort Edward. Ordered copy sent company. (Street Case No. 15 — 1905.)

Orders.

Application of the New York, New Haven and Hartford Railroad Company, asking the Board to re-open and re-determine the matter of its petition, under section 62 of the Railroad Law, which was denied on February 13, 1906, in relation to a grade crossing of the Highland division of said company's railroad in the town of Southeast, Putnam county, by a highway known as the first grade crossing west of bridge over Croton river at Brewster. Determination, as shown by office original determination on file, that the crossing shall be changed from grade to an undercrossing of the railroad. (Grade Crossing Case No. 556.)

Application of the New York Central and Hudson River Railroad Company and its lessor, the New York and Harlem Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the One Hundred and Tenth street and Park avenue, New York city, station on the New York and Harlem Railroad. Granted to take effect June 1. (Case No. 3565.)

The Board adjourned.

NEWBURGH, MAY 12, 1906.

Hearings.

Hearing before Commissioners Dickey and Rockwell (by delegation of the Board) in the matter of the petition of the town board of the town of Cornwall, Orange county, under section 62 of the Railroad Law, as to changing the Willow avenue grade crossing of the New York, Ontario and Western Railway, at or near Firthcliffe station, on said railway to an undercrossing. H. W. Chadeayne, supervisor; John J. Lawrence, Justice of the peace; Henry Van Duser, justice of the peace; William T. Hand, justice of the peace; James H. Aspinall, commissioner of highways; George W. Kent, commissioner of highways, and John F. Thurston, commissioner of highways for the petitioners; Fred Booth for the Firth Carpet Company, in favor of the petition; George H. Marsden and C. E. Knickerbocker for the New York, Ontario and Western Railway Company, in favor of the petition. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. The Commissioners inspected the locality in question. (Grade Crossing Case No. 592.)

A recess was taken until 2 p. m.

AFTER RECESS — 2 P. M.

Hearings.

Hearing before Commissioners Dickey and Rockwell (by delegation of the Board) in the matter of the complaint of Irving H. Loughran, of Walden, against the Orange County Traction Company as to service rendered the public. A. S. Embler for complainant; W. H. Pouch, general manager of the company, appeared for the company. After hearing evidence and arguments the hearing was adjourned until Saturday, May 12, 1906, 2 p. m., at the Palatine Hotel, Newburgh. (Case No. 3571.)

NEWBURGH, MAY 12, 1906.

Hearing before Commissioner Dickey (by delegation of the Board) in the matter of the complaint of Irving H. Loughran against the Orange County Traction Company as to service rendered the public. Appearances as yester-

day. After hearing evidence and arguments further the hearing was closed. The electrical expert was present at the hearings in this matter on the 11th and on this date. (Case No. 3571.)

LITCHFIELD STATION, TIOGA COUNTY, MAY 12, 1906.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the application of the Delaware, Lackawanna and Western Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its station at Litchfield Station, about four and one-half miles easterly of Waverly (it being proposed that passenger trains shall stop at this point in the future as in the past). C. J. Phillips, division superintendent, appeared for the company; C. P. Lonning, supervisor, town of Nichols, Tioga county, and residents of said town, appeared in opposition. After hearing arguments it was agreed that this application should be held in abeyance, the situation at this station in the meantime remaining unchanged. (Case No. 3549.)

ROCHESTER, MAY 14, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Rochester and Elmira Electric Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Ralph Wolff, Stephen A. McIntire, Erwin E. Shutt and William A. Sutherland, for the applicant; G. N. Orcutt and O. D. Newton for the Erie Railroad Company in opposition; Alex. D. Falck for the Delaware, Lackawanna and Western Railroad Company in opposition; W. J. Tully for the Corning and Painted Post Street Railway Company in opposition to that portion of the proposed route of the applicant south of Bath "to which point our company has projected a line;" Herendeen & Mandeville (W. W. Gregg appearing) for the Elmira Water, Light and Railroad Company in opposition; the Kanona and Prattsburgh Railway Company by a letter dated May 10, 1906, from J. C. Klinck, secretary, in opposition; Harris & Harris (D. M. Beach appearing) for the New York Central and Hudson River Railroad Company "to watch the proceeding;" W. H. Welch for the Northern Central Railroad Company "non-committal." After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3563.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Rochester and Elmira Electric Railway Company (street surface) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning with the addition of W. H. Nichols for the Elmira, Corning and Waverly Railway Company in opposition. After hearing evidence and arguments further the hearing was adjourned until Tuesday, May 15, 1906, 10 a. m., at the Courthouse, Rochester, (Case No. 3563.)

May 23, 1906, 4 p. m., at the New York office of the Board, room 5096, Metropolitan building, Twenty-fourth street and Fourth avenue, New York city. This case is not withdrawn from the Attorney-General, but the papers will be borrowed from him for use at the hearing on the 23d inst. (Case No. 3535.)

Orders.

Application of the Chautauqua Traction Company (street surface), under section 68 of the Railroad Law, for a determination that its single track railroad may cross temporarily at grade, the New York, Chicago and St. Louis Railroad (steam), in North Portage street in the village of Westfield. Granted. (Case No. 3572.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, June 13, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Reports.

The matter of the recommendations of this Board growing out of a collision May 23, 1905, between a car of the United Traction Company and a freight train of The Delaware and Hudson Company at the Albany street, Green Island, grade crossing of said railroads, was referred to Commissioners Baker and Rockwell. (Street Case No. 11 — 1905.)

The Board adjourned.

NEW YORK, MAY 22, 1906.

Hearings.

Hearing before Commissioners Baker and Rockwell (by delegation of the Board) in relation to a rear collision between trains on the Brooklyn Heights Railroad on a trestle about a quarter of a mile from Coney Island on the night of May 19. After hearing evidence and arguments the hearing was closed. The electrical expert has been instructed to make a report in this matter. (Street Case No. 20 — 1906.)

NEW YORK, MAY 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the New York and Long Island Traction Company for approval of an increase of its capital stock from \$1,000,000 to \$1,600,000.

Strong & Cadwalader (Mr. Gale appearing) for the applicant. After hearing arguments the hearing was closed. The company is to file with the Board a statement of what disposition it proposes to make of the \$600,000 stock of the Long Island Electric Railway Company, for which this proposed increase of stock is to be exchanged. (Case No. 3573.)

Adjourned hearing in the application of the Electric City Railway Company (street surface), under section 68 of the Railroad Law, for a rehearing of its application as to crossing the Erie Railroad (steam) and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company (steam) on Niagara street, Niagara Falls, temporarily at grade, and for a determination as to a permanent undercrossing. The first application of this company for a temporary crossing at grade at this point was denied by this Board on October 10, 1905. Morris Cohn, Jr., for the Electric City Railway Company; H. A. Taylor for the Erie Railroad Company; F. J. Mackenna, city attorney, for the city of Niagara Falls; Walter P. Cooke for the Buffalo, Thousand Islands and Portland Railroad Company. After hearing arguments the hearing was adjourned without date, it being stated by Mr. Taylor that the Erie Railroad Company intended to proceed at once in the making of plans for an undercrossing at this point as to which undercrossing this Board has made a determination, under section 62 of the Railroad Law, dated August 24, 1905 (Grade Crossing Case No. 501), the understanding being that if plans for the undercrossing are not promptly forwarded to this Board and the work begun the Electric City Railway Company may have a further hearing on its application for a temporary crossing at grade. (Case No. 3380.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1901, as to the closing and discontinuance of the Sheep Pasture road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and the diversion of the travel to existing highway crossings of the railroad in the vicinity, particularly to an undercrossing of the railroad by the Dark Hollow road by means of a road called the Ravine road which was to be acquired as a highway under said determination if it was not a highway, and modified determination, dated September 6, 1904, representatives of the town board and the railroad company appeared before the Board in the matter of whether the Board should reconsider said modified determination. George H. Furman appeared for the town board and highway commissioners; J. F. Keany appeared for the company; George E. Darling appeared for Mrs. Grace Baylies in favor of an overcrossing being constructed. After hearing arguments the hearing was closed. (Grade Crossing Case No. 225.)

Adjourned hearing in the matter of the petition (second petition) of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as John Hulse road in the town of Brookhaven, Suffolk county, situated at a point about 9,900 feet easterly from Holtsville (Waverly) and 2,550 feet westerly from the Medford station on said company's railroad, the petition asking this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom through existing highways to a proposed undercrossing of said railroad proposed to be constructed in a proposed extension of Medford avenue or Port Jefferson road, in which said Medford avenue or Port Jefferson road there now exists a bicycle path, which proposed undercrossing if constructed would be about 9,000 feet easterly from Holtsville (Waverly) and about 3450 feet westerly from the Medford station on said company's railroad and about 25 feet westerly from the said bicycle path, the petition also asking this Board to determine that the said extension of Medford avenue or Port Jefferson road (bicycle path) shall be constructed and be carried under said railroad in an undercrossing. J. F. Keany for the petitioner; George H. Furman for the town board and the highway commissioners. After hearing evidence and arguments the hearing was closed. (Grade Crossing Case No. 568.)

May 23, 1906, 4 p. m., at the New York office of the Board, room 5096, Metropolitan building, Twenty-fourth street and Fourth avenue, New York city. This case is not withdrawn from the Attorney-General, but the papers will be borrowed from him for use at the hearing on the 23d inst. (Case No. 3535.)

Orders.

Application of the Chautauqua Traction Company (street surface), under section 68 of the Railroad Law, for a determination that its single track railroad may cross temporarily at grade, the New York, Chicago and St. Louis Railroad (steam), in North Portage street in the village of Westfield. Granted. (Case No. 3572.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, June 13, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Reports.

The matter of the recommendations of this Board growing out of a collision May 23, 1905, between a car of the United Traction Company and a freight train of The Delaware and Hudson Company at the Albany street. Green Island, grade crossing of said railroads, was referred to Commissioners Baker and Rockwell. (Street Case No. 11 — 1905.)

The Board adjourned.

NEW YORK, MAY 22, 1906.

Hearings.

Hearing before Commissioners Baker and Rockwell (by delegation of the Board) in relation to a rear collision between trains on the Brooklyn Heights Railroad on a trestle about a quarter of a mile from Coney Island on the night of May 19. After hearing evidence and arguments the hearing was closed. The electrical expert has been instructed to make a report in this matter. (Street Case No. 20 — 1906.)

NEW YORK, MAY 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the New York and Long Island Traction Company for approval of an increase of its capital stock from \$1,000,000 to \$1,600,000.

Strong & Cadwalader (Mr. Gale appearing) for the applicant. After hearing arguments the hearing was closed. The company is to file with the Board a statement of what disposition it proposes to make of the \$600,000 stock of the Long Island Electric Railway Company, for which this proposed increase of stock is to be exchanged. (Case No. 3573.)

Adjourned hearing in the application of the Electric City Railway Company (street surface), under section 68 of the Railroad Law, for a rehearing of its application as to crossing the Erie Railroad (steam) and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company (steam) on Niagara street, Niagara Falls, temporarily at grade, and for a determination as to a permanent undercrossing. The first application of this company for a temporary crossing at grade at this point was denied by this Board on October 10, 1905. Morris Cohn, Jr., for the Electric City Railway Company; H. A. Taylor for the Erie Railroad Company; F. J. Mackenna, city attorney, for the city of Niagara Falls; Walter P. Cooke for the Buffalo, Thousand Islands and Portland Railroad Company. After hearing arguments the hearing was adjourned without date, it being stated by Mr. Taylor that the Erie Railroad Company intended to proceed at once in the making of plans for an undercrossing at this point as to which undercrossing this Board has made a determination, under section 62 of the Railroad Law, dated August 24, 1905 (Grade Crossing Case No. 501), the understanding being that if plans for the undercrossing are not promptly forwarded to this Board and the work begun the Electric City Railway Company may have a further hearing on its application for a temporary crossing at grade. (Case No. 3380.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1901, as to the closing and discontinuance of the Sheep Pasture road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and the diversion of the travel to existing highway crossings of the railroad in the vicinity, particularly to an undercrossing of the railroad by the Dark Hollow road by means of a road called the Ravine road which was to be acquired as a highway under said determination if it was not a highway, and modified determination, dated September 6, 1904, representatives of the town board and the railroad company appeared before the Board in the matter of whether the Board should reconsider said modified determination. George H. Furman appeared for the town board and highway commissioners; J. F. Keany appeared for the company; George E. Darling appeared for Mrs. Grace Baylies in favor of an overcrossing being constructed. After hearing arguments the hearing was closed. (Grade Crossing Case No. 225.)

Adjourned hearing in the matter of the petition (second petition) of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as John Hulse road in the town of Brookhaven, Suffolk county, situated at a point about 9,900 feet easterly from Holtsville (Waverly) and 2,550 feet westerly from the Medford station on said company's railroad, the petition asking this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom through existing highways to a proposed undercrossing of said railroad proposed to be constructed in a proposed extension of Medford avenue or Port Jefferson road, in which said Medford avenue or Port Jefferson road there now exists a bicycle path, which proposed undercrossing if constructed would be about 9,000 feet easterly from Holtsville (Waverly) and about 3450 feet westerly from the Medford station on said company's railroad and about 25 feet westerly from the said bicycle path, the petition also asking this Board to determine that the said extension of Medford avenue or Port Jefferson road (bicycle path) shall be constructed and be carried under said railroad in an undercrossing. J. F. Keany for the petitioner; George H. Furman for the town board and the highway commissioners. After hearing evidence and arguments the hearing was closed. (Grade Crossing Case No. 568.)

Adjourned hearing in the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Broadway or Patchogue and Lake road in the town of Islip, Suffolk county, situated at a point about 8900 feet easterly from the Ronkonkoma station on said company's railroad, the travel thereon to be diverted therefrom by the construction of a new piece of highway on the southerly side of said railroad to the next crossing at grade of said railroad west of said Broadway or Patchogue and Lake road crossing, the petition asking this Board to determine that said new piece of highway shall be constructed. J. F. Keany for the petitioner; Ralph C. Greene appeared specially for the town of Islip to object to alleged insufficiency of notice of hearing given; George H. Furman appeared specially for the town of Brookhaven to object to alleged insufficiency of notice of hearing given. After hearing arguments the hearing was adjourned to a date to be thereafter fixed and the company is to furnish the Board with the names and postoffice addresses of all who should receive a notice of this adjourned hearing. This hearing probably to be held at Ronkonkoma. (Grade Crossing Case No. 235.)

Adjourned hearing in the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of a grade crossing of said company's railroad by a highway known as Delamaters road or Chestnut avenue in the town of Islip, Suffolk county, situated at a point about 3450 feet westerly from the Ronkonkoma station on said company's railroad, the travel thereon to be diverted therefrom by existing highways on each side of said railroad to an existing grade crossing of said railroad by a highway known as Ocean avenue or Lakeland road, situated next west of the Delamaters road or Chestnut avenue grade crossing, the petition asking this Board to so determine. J. F. Keany for the petitioner; Ralph C. Greene appeared specially for the town of Islip to object to alleged insufficiency of notice of hearing given. After hearing arguments the hearing was adjourned to a date to be thereafter fixed, and the company is to furnish the Board with the names and post-office addresses of all who should receive notice of this adjourned hearing. This hearing probably to be held at Ronkonkoma. (Grade Crossing Case No. 259.)

Borough President Coler's Committee of 100 and the Prospect Heights Citizens' Association of Brooklyn against the Brooklyn Heights Railroad Company as to transfers, this particular hearing being in connection with the recommendation of this Board (see minutes of May 9, 1906) as to the company connecting its tracks in Fulton street with tracks in Washington street at or near Tillary street, Brooklyn. Andrew J. Provost, Jr., for Borough President Coler; Judson G. Wall for the Prospect Heights Citizens' Association and President Coler's Committee of 100; John A. McCullum for the Bureau of Franchises; E. W. Winter, president of the Brooklyn Heights Railroad Company for that company. After hearing arguments the hearing in this connection of tracks matter was held open pending an application by the company to the city for a ten-year franchise for use of the streets concerned. (Case No. 3546.)

Orders.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1901, as to the closing and discontinuance of the Sheep Pasture road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, and the diversion of the travel to existing highway crossings of the railroad in the vicinity, particularly to an undercrossing of the railroad by the Dark Hollow road by means of a road called the Ravine road which was to be acquired as a highway under said determination if it was not a highway, and modified determination, dated September 6, 1904, it was ordered that the original determination of the Board in this matter, dated October 9, 1901, as modified by the determination of the Board, dated September 6, 1904, should be further modified as shown by office original modified order on file so that the Sheep Pasture road grade

crossing of said railroad shall be closed and discontinued and new pieces of highway and an overhead bridge crossing of said railroad shall be constructed at a point shown on a blue print plan filed with the Board on this date, the bridge, however, while substantial to cost less than the estimated cost, namely, \$5,800 for bridge and land shown on said blue print plan. (Grade Crossing Case No. 225.)

Petition (second petition) of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as John Hulse road in the town of Brookhaven, Suffolk county, situated at a point about 9900 feet easterly from Holtsville (Waverly) and 2550 feet westerly from the Medford station on said company's railroad, the petition asking this Board to determine that said grade crossing shall be closed and discontinued, the travel thereon to be diverted therefrom through existing highways to a proposed undercrossing of said railroad proposed to be constructed in a proposed extension of Medford avenue or Port Jefferson road, in which said Medford avenue or Port Jefferson road there now exists a bicycle path, which proposed undercrossing if constructed would be about 9,000 feet easterly from Holtsville (Waverly) and about 3,450 feet westerly from the Medford station on said company's railroad, and about twenty-five feet westerly from the said bicycle path, the petition also asking this Board to determine that the said extension of Medford avenue or Port Jefferson road (bicycle path) shall be constructed and be carried under said railroad in an undercrossing. Determination, as shown by office original determination on file, that the John Hulse road highway grade crossing of said railroad shall be closed and discontinued, the travel thereon to be diverted therefrom through existing highways to said proposed undercrossing of said railroad located as herein set forth, said undercrossing to be thirty feet wide between abutments and to have a clear headroom of thirteen feet, and the said proposed extension of Medford avenue or Port Jefferson road (bicycle path) to be constructed and carried under said railroad in said undercrossing, said extension of said Medford avenue or Port Jefferson road to be so constructed from Peconic avenue to Robinson avenue. (Grade Crossing Case No. 568.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the complaint of Louis H. Gein of Van Cortlandt on the New York and Putnam division of the New York Central and Hudson River Railroad Company against said company as to rates of fare. The complainant appeared in person; C. C. Paulding appeared for the company. After hearing arguments the hearing was closed. W. W. Niles, after Mr. Paulding had gone, appeared before the Board and was heard in support of Mr. Gein's complaint. Mr. Paulding took a brief submitted this date by Mr. Gein which he subsequently returned to the Board with a brief of the company. (Case No. 3539.)

Louis H. Gein against the Union Railway Company as to its not laying its tracks on its route from Van Cortlandt avenue or Two Hundred and Forty-second street to Kings Bridge, New York city. The complainant appeared in person; W. W. Niles also appeared; E. A. Maher, president, and H. A. Robinson, attorney, appeared for the railway company. After hearing arguments the hearing was closed. It appears that the non-construction of the tracks is due to the state of the street because of the construction of a sewer, and the matter was referred to Commissioners Baker and Rockwell to consult with the city authorities. The answer of the company was laid before the Board on this date. (Case No. 3581.)

Adjourned hearing in the matter of the application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Mr. Werner appearing) for the applicant; Robert E. Farley and Edgar T. Brackett (Mr. Brackett not being present) for the Westchester Traction Company, in opposition; C. C. Paulding for the New York Central and Hudson River Railroad Company in relation to proposed crossings of railroads operated by that company. This hearing was for summing up and the filing of briefs. The matter was summed up by Mr. Werner and Mr. Farley. Mr. Werner filed his brief but Mr. Farley did not on this date file his brief. He is to file his brief used to-day and a supplemental brief with the Board in the future. The Board in executive session heard proof of the *bona fides* of the enterprise and of the financial ability of the projectors to build the road. (Case No. 3530.)

Application of the Union Railway Company, under section 100 of the Railroad Law, for approval of the operation of its railroad by the overhead electrical trolley system on McComb's Dam bridge and viaducts and approaches connected therewith, New York city. This application was laid before the Board for the first time to-day. H. A. Robinson for the applicant. After hearing arguments the hearing was closed. (Case No. 3591.)

In the matter of the recommendations of this Board to the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor, and as to other matters, in the complaint of the Property Owners' Association of the Twenty-third Ward, Borough of the Bronx, New York city, Charles Baxter, representing complainants, appeared before the Board and stated that complainants and the company were to have a conference in relation to the matters involved. It was agreed that the hearing should not go on on this date but that the electrical expert of the Board should attend this conference. This case has been referred to the Attorney-General and we have borrowed the papers from the Attorney-General for the hearing on this date, and on this date the electrical expert of the Board has taken the papers. (Case No. 3535.)

Orders.

Application of the Union Railway Company, under section 100 of the Railroad Law, for approval of the operation of its railroad by the overhead electrical trolley system on McComb's Dam bridge and viaducts and approaches connected therewith, New York city. Granted, as shown by office original determination on file. (Case No. 3591.)

The Board adjourned.

ALBANY, JUNE 4, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker and Dickey.

The minutes of the meetings of May 8, 9, 11, 12 (two, Newburgh and Litchfield station), 14, 15, 16 (two, in Buffalo), 17, 22 and 23, 1906, were read and approved.

Complaints.

Edward C. Buchenau and G. M. Carnochan against the Erie Railroad Company relative to passenger train service from New City. G. M. Carnochan, who also complained in this matter, appeared before the Board (although there was not a hearing regularly set) in reference to its recommendation contained in a letter dated May 14, 1906, to the company, that a train be operated daily except Sundays leaving New City for New York at 6:20 a. m., arriving in New York about 8:07 a. m. Ordered letter written G. N. Orcutt, attorney who appeared for the company in this matter at a hearing on March 6, 1906. (Case No. 3342.)

Frank Fellows of West Lebanon against the Rutland Railroad Company as to lack of fence of that company along his farm. Copy sent company. Answer of company received stating that the fence would be repaired. Copy sent complainant. Ordered letter written company as shown by copy on file. (Case No. 3585.)

Mary H. Reynolds of Petersburg against the Rutland Railroad Company as to lack of fence of that company along the Reynolds' farm. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3579.)

George D. Bedell of Clinton Corners against the Central New England Railway Company as to fence of said company along his farm. Copy sent company. Answer of company received stating that the fence would be constructed. Copy sent complainant. (Case No. 3578.)

Herbert H. Maas, against the Ocean Electric Railway Company as to said company not stopping its cars at Channel avenue between Far Rockaway and Edgemere. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. The electrical expert has been instructed to make a report in this matter. (Case No. 3577.)

W. H. Nearpass of Port Jervis against the Milford, Matamoras and New York Railroad Company as to bridge of that company which is lying in the Delaware river at Port Jervis. Letter dated May 16, 1906, received from the company as to removing the bridge. Copy sent complainant. Ordered letter written company as shown by copy on file. (Case No. 3562.)

Reports.

In the matter of proposed use of the electric third rail on the New York Central and Hudson River Railroad in and near New York city, a report dated May 8, 1906, was received from the electrical expert as to protection of the third rail on this railroad and the Long Island Railroad. Ordered filed. (Case No. 3379.)

The Board took a recess until 7:30 p. m.

AFTER RECESS — 7:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Complaints.

Harrison Wells against the Delaware, Lackawanna and Western Railroad Company as to delivery of coal cars on a switch at Cortland. Opinion dated May 8, 1906, received from the Attorney-General that the Board has not jurisdiction in this matter. Ordered copy sent complainant and case closed. (Case No. 3519.)

Village of Waterford against the United Traction Company as to its not constructing tracks across a temporary bridge over the barge canal at Waterford. Letters dated May 8 and June 1, 1906, were received from the State Engineer and Surveyor as to the safe condition of the bridge for the operation of cars. Letters dated May 21 and 31, 1906, received from complainants; and letters dated May 9 and 29, and June 2, 1906, received from the company, the letters of May 29 and June 2 from the company being in relation to planking the bridge. Ordered filed. (Case No. 3538.)

Irving H. Loughran and others against the Orange County Traction Company as to service rendered the public on its Walden line. Letter dated May 24, 1906, accompanied by a memorandum, received from the company as to compliance with the recommendations. Ordered that the electrical expert report in the matter of compliance. Letter dated May 29, 1906, received from A. S. Ember, who was also a complainant in this matter. Ordered filed. (Case No. 3571.)

J. W. English against the Interborough Rapid Transit Company, Manhattan Railway division, as to the Eighty-first street station on the Sixth

avenue line of the Manhattan Railway. Report dated May 10, 1906, received from the electrical expert. Ordered copy sent complainant, and case closed. (Case No. 3561.)

Preambles and resolution of the board of aldermen of the city of New York in relation to heating cars of the New York City Railway Company, the Interborough Rapid Transit Company (Manhattan Railway division) and the Brooklyn Heights Railroad Company; a letter dated May 1, 1906, was received from the Brooklyn Heights Railroad Company as to heat not having been turned on in the period from 6 a. m., April 23, to 12 midnight, April 30, 1906, inclusive; a letter dated May 4, 1906, was also received from the company stating that owing to the advanced season reports as to heating would be discontinued. Ordered filed Closed. (Case No. 3509.)

George W. Vail against the Long Island Railroad Company as to difference in rates of passenger fare from Brooklyn to Jamaica. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3575.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Letters dated May 12 and 21, 1906, received from complainant. Ordered letter written complainant as shown by copy on file. (Case No. 3222.)

In the matter of the complaint of Joseph Beihlf against the Interborough Rapid Transit Company and in the matter of recommendation of this Board to said company, dated April 10, 1906, that it construct a station on its Manhattan Railway line at Eighth avenue and One Hundred and Thirtieth street (northbound track), a report dated May 31, 1906, was received from the electrical expert that the actual work of construction of the station has not yet been begun, but that he is informed that it will be when the material arrives. He has been instructed to report further in this matter in the near future. A letter dated May 22, 1906, was received from complainant. Ordered filed. (Case No. 3439.)

Herbert Van Dyke against the Interborough Rapid Transit Company and the Union Railway Company, the complaint against the Interborough Rapid Transit Company being in relation to lack of elevators or escalators at its One Hundred and Fifty-fifth street and Eighth avenue railway station and as to delay at this station in exchanging transfer tickets from the Jerome avenue trolley line; the complaint against the Union Railway Company being as to its southbound service on Jerome avenue between 7 and 10 a. m. Copies sent companies. Answer of the Union Railway Company received. Copy sent complainant. Reply of complainant received to the Union Railway Company's answer. Answer of the Interborough Rapid Transit Company received. Copy sent complainant. The electrical expert is to make a report in this matter. (Case No. 3582.)

Preambles and resolution of the board of aldermen of New York city in relation to the Interborough Rapid Transit Company placing drip-pans over the crosswalks on its elevated railroad structure on Westchester avenue and the Southern boulevard. Copy sent company. Answer of company received stating that these elevated structures are part of the rapid transit subway system. Copy sent complainants. The electrical expert is to make a report in this matter. (Case No. 3564.)

B. L. Brown of Moriah, against the Delaware and Hudson Company as to rate on anthracite coal from Whitehall to Port Henry. Copy sent company. Referred to Commissioners Baker and Rockwell. (Case No. 3593.)

Charles J. Austin against the New York City Railway Company as to operation of its cars between the corner of Thirty-fourth street and Tenth avenue and the North river. Report dated May 10, 1906, received from the electrical expert. Ordered copy sent complainant. Closed. (Case No. 3567.)

Allison Orts against the Brooklyn Heights Railroad Company as to operation of cars on its Fifth avenue line from Thirty-ninth street ferry after midnight, and as to non-operation of cars on its line from Coney Island after 1:30 in the morning. Copy sent company. (Case No. 3592.)

Malcolm Stuart against the New York Central and Hudson River Railroad Company as to overcrowding of train No. 122 on the New York and Putnam division of said company's railroad, leaving High Bridge, New York city, about 5:40 p. m. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3586.)

M. Raynor of Freeport, L. I., as to building of a trolley railroad near Freeport, L. I., a report was received from the inspector of grade crossings. Ordered that the electrical expert make a report in this matter. (Case No. 3576.)

Isi Fischer against the Interborough Rapid Transit Company in relation to signals on the One Hundred and Tenth street curve on the Manhattan Railway, lessor. Report dated May 8, 1906, received from the electrical expert after consultation with Commissioner Rockwell. Copy sent complainant. Letter dated May 21, 1906, received from complainant. Closed. (Case No. 3551.)

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its Cemetery line. Letter dated May 16, 1906, received from complainant. Copy sent company. Letter dated May 29, 1906, in answer, received from company. Copy sent complainant. (Case No. 3531.)

Caleb Bentley against the Rutland Railroad Company as to farm-crossing on his farm, near Berlin. Closed. (Case No. 3436.)

John W. Curtis against the Brooklyn Heights Railroad Company as to service rendered the public from Flatbush, Brooklyn, to Brighton and Coney Island and Bergen beaches. Copy sent company. Answer of company received stating that a service would be inaugurated. Copy sent complainant. Report dated May 25, 1906, received from electrical expert. Ordered filed. Closed. (Case No. 3587.)

J. Wadsworth Norton against the Brooklyn Heights Railroad Company in relation to speed of trains through New Utrecht avenue, Brooklyn. The electrical expert has been instructed to make a report in this matter. (Case No. 3597.)

H. P. Russell of Pine Hill, on the Ulster and Delaware Railroad, against the National Express Company as to rates on small packages and failure to deliver such packages from the company's office to the residence or business place of the consignee. Copy sent company. (Case No. 3584.)

Henry A. Dana against the Lehigh Valley Railroad Company as to its station at Lancaster, Erie county. Report dated May 25, 1906, received from inspector. Ordered copy sent complainant. (Case No. 3568.)

Property Owners' Association of the Twenty-third ward, Borough of Bronx, and Van Nest Property Owners' Association, New York city, against the Union Railway Company as to that company laying tracks across a new bridge spanning the Bronx river and the New York, New Haven and Hartford Railroad at Westchester avenue, New York city. Report dated May 21, 1906, received from Commissioner Baker that tracks had been laid on the bridge and cars of the company were being operated over it. Ordered filed and case again closed. (Case No. 3536.)

Borough President Coler's Committee of One Hundred and Prospect Heights Citizens' Association of Brooklyn against the Brooklyn Heights Railroad Company as to transfers. A letter dated May 28, 1906, was received from the company to the effect that the recommendation of this Board contained in a letter to the company dated May 12, 1906, as to headway of cars on Fulton street beyond Reid avenue, Brooklyn, between 5 and 6:05 p. m., on week-days was being complied with. Ordered filed. A report dated May 15, 1906, was received from the electrical expert as to accident in the central power station of the company on May 9, 1906, about 4:47 p. m. Ordered copy sent company. This accident report is filed with this case. (Case No. 3546.)

L. Lillenthal of New York city, as to service rendered the public by the street surface and elevated railroads in the Boroughs of Manhattan and the Bronx. Closed. (Case No. 3478.)

John Dort and C. J. Beardsley of Oramel, Allegany county, against the Pennsylvania Railroad Company as to its passenger station at that point. Answer of company received. Copy sent complainants. Report dated May 25, 1906, received from the inspector. Ordered hearing set for Thursday, June 14, 1906, 12:30 p. m., at the Hotel Iroquois, in the city of Buffalo. (Case No. 3569.)

Tobey & Kirk in relation to a second mortgage of the Broadway and Seventh Avenue Railroad Company, New York city. Opinion dated May 9, 1906, received from the Attorney-General. Copy sent complainants. Letter dated May 29, 1906, received from complainants. Ordered letter written the company on the subject. (Case No. 3574.)

R. J. Caldwell against the Brooklyn Heights Railroad Company as to protection of the electric third rail on its elevated lines. Letter dated May 8, 1906, received from complainant. The electrical expert is to make a report in this matter. (Case No. 3433.)

Grand Street Board of Trade of Brooklyn against the Brooklyn Heights Railroad Company as to operation of its surface cars on Grand street, Brooklyn. Answer of company received. Copy sent complainants. Closed. (Case No. 3557.)

Residents of Central Park against the Long Island Railroad Company. Closed. (Case No. 3459.)

Henry White and others against the Interborough Rapid Transit Company, in which the Board has made recommendations as to stairways at the Houston street, Ninth street and Eighteenth street. Third avenue stations on the Manhattan Railway, lessor. A letter dated May 19, 1906, was received from the company. A letter dated May 22, 1906, was received from Benjamin Fischer, one of the complainants. Ordered that the company be notified to appear before the Board in this matter on Wednesday, June 6, 1906, 11 a. m., at the New York office of this Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3112.)

Mrs. William Lasher of Brown's Station against the Ulster and Delaware Railroad as to height of steps on passenger cars. Answer of company received. Copy sent complainant. Report dated June 2, 1906, received from inspector. Ordered filed. (Case No. 3570.)

Charles J. Miller against the International Railway Company as to lack of water-closets at the Newfane station on said company's railroad. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3589.)

Mrs. A. L. Greene against the United Traction Company and the Schenectady Railway Company as to height of steps of cars. Letters dated May 21 and 27, 1906, received from complainant. Report dated May 15, 1906, received from electrical expert. Ordered filed. (Case No. 3566.)

E. L. Cattel against the Staten Island Rapid Transit Railway Company as to failure to sell excursion tickets at certain stations. Copy sent company. Answer of company received stating that it had placed excursion tickets on sale at the stations complained of. Copy sent complainant. (Case No. 3588.)

In the matter of the recommendations of this Board dated March 28, 1906, to the New York City Railway Company as to change of motive power on certain of its lines (this is in the complaint of Louis H. Pink against said company), a letter dated May 15, 1906, was received from the company as to complying with the recommendations. Ordered that the company be again written as to compliance in the future. (Case No. 3524.)

John R. Zwicky and others of Staten Island against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Report dated May 9, 1906, received from the electrical expert to the effect that the recommendations of the Board dated April 18, 1906, are being complied with. (Case No. 3457.)

A letter dated May 8, 1906, was received from D. B. Seaver, chairman of the committee on railroads and ferries, West End Board of Trade, Brooklyn, with which letter was inclosed a copy of a letter from Mr. Seaver to the

general manager of the Brooklyn Heights Railroad Company as to improvement of service rendered the public on the railroads in the Eighth Ward, Brooklyn, these being sent to this Board for its information. Ordered copy of letter from Mr. Seaver to the company sent to the electrical expert. (Case No. 3529.)

Residents of Sherman Park against the New York Central and Hudson River Railroad Company asking that a station be constructed at Sherman Park on said company's New York and Harlem division. A report dated May 7, 1906, was received from the inspector of grade crossings that the station has been constructed. A letter dated May 17, 1906, received from the company to the same effect. Ordered filed. This case has been closed and is not reopened. (Case No. 3393.)

Letters dated May 17 and 19, 1906, from Lehmaier, Schwartz & Company, asking a general question as to the right of a railroad company to withdraw a special rate from a shipper because he uses a boat line, with the answers, were submitted to the Board. Ordered filed with inquiries.

A letter dated May 5, 1906, was received from Olin J. Stephens, president of the North Side Board of Trade, asking for a copy of the schedule of cars on the Union Railway Company's lines. Ordered letter written the company on this subject. A letter, without date, was also received from William Stonebridge, Borough of the Bronx, New York city, asking for a schedule of the cars of the Union Railway Company on its Kings Bridge or Fordham Heights line, operative from May 1 to May 15, 1906, during the early morning hours. Ordered letter written the company on this subject. (Case No. 3615.)

Michael Thornton of Lebanon Springs against the Rutland Railroad Company as to condition of fence of said company along his land. A letter dated May 18, 1906, received from the company stating that the fence has been constructed. Copy sent complainant. This case was closed on the minutes of April 3, 1906, and is not reopened. (Case No. 3472.)

Applications.

In the matter of the application of the New York and Long Island Traction Company for approval of an increase of its capital stock from one million dollars to one million six hundred thousand dollars, which matter was heard in New York on May 23 last, a letter dated May 23, 1906, was received from the company, as to the disposition it proposes to make of the six hundred thousand dollars stock of the Long Island Electric Railway for which this proposed increase of stock is to be exchanged. Ordered letter written the company as shown by copy on file. (Case No. 3573.)

In the matter of the application of the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the station known as Kensington at the southeasterly corner of the intersection of Lotts Lane and Gravesend avenue, Borough of Brooklyn, New York city, in which this Board made a determination and recommendations dated April 18, 1906, a letter, dated May 10, 1906, was received from the company stating that the recommendations would be complied with. Ordered filed. (Case No. 3533.)

Application of the Carthage and Copenhagen Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Monday, July 2, 1906, 2:30 p. m., at the office of the Board in the Capitol, Albany. (Case No. 3583.)

Application of the Dunkirk Street Railway Company for a certificate under section 59 of the Railroad Law. Ordered hearing set for Thursday, June 23, 1906, 10 a. m., at the Erie Hotel in Dunkirk. (Case No. 3590.)

Application of the Albany & Hudson Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the flag-stop station on its railroad at a point called Rosecrans and for consent to the discontinuance of the flag-stop station on its railroad at a point called Merchants. Ordered hearing set for Monday, July 2, 1906, 3 p. m., at the office of the Board in the Capitol, Albany. (Case No. 3594.)

In the matter of the application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. R. E. Farley, who appeared for the Westchester Traction Company in opposition, filed a brief and a supplemental brief. (Case No. 3530.)

Application of the New York and Queens County Railway Company for consent of this Board to the issue of a first and refunding mortgage for ten million dollars. Ordered hearing set for Wednesday, June 20, 1906, 10 a. m., at the New York office of the Board, Room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3590.)

In the matter of consents of this Board to the issue of mortgages by the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company, it was ordered that the president of the companies be notified to appear before the Board in Buffalo on Thursday, June 14, 1906, 12:30 p. m., at the Hotel Iroquois, in relation to conditions in the consent to the issue of the Buffalo, Batavia and Rochester Electric Railway Company mortgage. (Cases Nos. 2989 and 3368.)

Reports.

A report dated May 26, 1906, was received from the inspector of grade crossings in relation to a proposed trolley railroad called the "Oriskany Valley" which a newspaper clipping states was being constructed between Clinton and Hamilton, Oneida county. Ordered filed. (This is filed with notify papers.)

In the matter of the recommendations of this Board as to derails in the railroad of the Wallkill Transit Company (formerly Middletown-Goshen Electric Railway Company) (street surface), at a grade crossing by said company's railroad of the Erie Railroad in North street, Middletown, a copy of an agreement between the Erie Railroad Company and the Wallkill Transit Company as to these derails was submitted to the Board by the Erie Railroad Company with a letter dated May 24, 1906. Ordered letter written the Wallkill Transit Company as to when the derails will be installed. This case is in the hands of the Attorney-General. (Case No. 3340.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated October 10, 1905, as to the Rochester, Syracuse and Eastern Railroad (street surface) crossing the New York Central and Hudson River Railroad and West Shore Railroad, lessor (steam), a report dated May 4, 1906, was received from the inspector of grade crossings as to these crossings. These crossings are not at the grade of the steam railroads. In this report is included a statement by the inspector of grade crossings that on Union street in the village of Newark this street surface railroad crosses the Elmira and Lake Ontario Railroad (leased to and operated by the Northern Central Railway Company) in an under crossing. No application was made to this Board under section 68 of the Railroad Law as to this undercrossing, but inasmuch as the crossing is not at grade and is a proper undercrossing the Board determined in this instance not to insist that application under section 68 be made. (Case No. 3404.)

A letter dated May 9, 1906, to Commissioner Baker from Ira A. McCormack, manager of the Harlem line (Fourth avenue tunnel), was laid before the Board, in relation to fire protection in the Fourth avenue tunnel, New York city. Ordered filed. (Steam Case No. 3—1902.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated December 4, 1900, as to the Newark and Marion Railway crossing overhead the New York Central and Hudson River Railroad west of Newark, a report dated May 22, 1906, was received from the inspector of grade crossings. Ordered filed. (Case No. 2352.)

Report of the electrical expert dated May 8, 1906, of a supplemental inspection of the Buffalo Southern Railway. A copy of this report was sent to the company with a letter of recommendation dated May 15, 1906. Letter dated May 19, 1906, received from the company that the recommendations had been to some extent and would be completely complied with. Ordered filed.

Report of the electrical expert dated May 15, 1906, as to crossings by the Buffalo, Gardenville and Ebenezer Railway (now Buffalo Southern Railway) of steam railroads. A copy of this report with a letter dated May 15, 1906, was sent to the company. A letter dated May 19, 1906, was received from the company stating that both of the grade crossings of the Western New York and Pennsylvania Railway would be replaced with cut crossings and protected by derailling switches. Ordered letter written the company as shown by copy on file. (Case No. 2325.)

In the matter of the recommendations of this Board, contained in a letter dated March 30, 1906, to the Erie Railroad Company, growing out of an accident on said company's railroad February 15, 1906, where engineer Joseph Leslie was killed through striking an obstruction, a letter dated May 17, 1906, was received from the company stating that the recommendations would be complied with. Ordered filed. (Steam Case No. 15—1906.)

Report of the inspector dated June 2, 1906, as to derailments of trains on the New York Central and Hudson River Railroad near Hoffmans, May 26, 1906. Ordered copy sent company. (Steam Case No. 31—1906.)

Report of the inspector dated May 8, 1906, in relation to a landslide that occurred on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) near Milton on the morning of April 13, 1906. Ordered copy sent company. (Steam Case No. 27—1906.)

In the matter of the recommendations of this Board as to protection by derails and signals at a crossing at grade of the International Railway and the Grand Trunk Railway in Buffalo, a letter dated May 26, 1906, was received from the Grand Trunk Railway. Ordered filed. (Street Case No. 54—1904.)

Report of the inspector dated May 25, 1906, as to alleged breaking of a bridge on the Erie Railroad near South Dayton May 13, 1906. Ordered copy sent company. (Steam Case No. 29—1906.)

In the matter of the recommendation of this Board, contained in a letter dated May 15, 1906, to the New York Central and Hudson River Railroad Company, growing out of engineer John Peters striking a water column near Herkimer March 22, 1906, a letter dated May 25, 1906, was received from the company to the effect that this recommendation would be complied with. Ordered filed. (Steam Case No. 22—1906.)

In the matter of the recommendations of this Board, contained in a letter dated March 30, 1906, to the New York Central and Hudson River Railroad Company growing out of a collision between a passenger train and a freight train on the West Shore Railroad, its lessor, near Ravena, 12:13 p. m., February 16, 1906, a letter dated May 22, 1906, was received from the company that plans were being drawn to comply with the recommendation. Ordered filed. (Steam Case No. 14—1906.)

Report of the superintendent of the grade crossing bureau dated May 23, 1906, as to the recommendations of this Board, contained in a letter of the Board dated February 2, 1906, to the New York Central and Hudson River Railroad Company, in relation to guard-rails on tracks of that company in Fourth avenue, New York city, from the north tunnel portal to One Hundred and Thirty-eighth street, the report being to the effect that a portion of the guard-rails are laid and the balance are on the ground but not yet placed. Ordered that the superintendent of the grade crossing bureau make a further report in this matter. (Case No. 3377.)

Report of the superintendent of the grade crossing bureau dated May 31, 1906, of his inspection of the Schoharie Valley Railway. A copy of this report was sent to the company with a letter of recommendation from the Board dated June 2, 1906. (No. 5—1906.)

In the matter of the recommendations of this Board, contained in a letter to the Long Island Railroad Company, dated May 14, 1906, growing out of a report of the inspector of his inspection of said company's railroad, a letter dated May 16, 1906, was received from the company stating that the recommendations as to fencing right of way and installing guard-fences would be complied with but not stating that the recommendation as to cattle guards

would be complied with; also stating that the repainting of bridges would be attended to promptly. Ordered filed. (No. 1—1906.)

Report of the inspector dated May 9, 1906, of his inspection of the Otis Railway. Ordered copy sent company. (No. 3—1906.)

Report of the inspector dated May 9, 1906, of his inspection of the Catskill and Tannersville Railway. Ordered copy sent company with letter of recommendation as shown by office original letter on file. (No. 2—1906.)

Crossings.

Petition of the president and trustees of the village of Waverly, under section 62 of the Railroad Law, as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad to an overcrossing. A report dated May 23, 1906, was received from the superintendent of the grade crossing bureau. Ordered that he consult with engineers of the Lehigh Valley Railroad Company as to the two plans proposed, one of which is to build a new piece of highway and an overcrossing at another point. The hearing in this matter was held in Waverly on April 28, and the evidence is closed. (Grade Crossing Case No. 576.)

Petition of the town board of the town of Greenfield, Saratoga county, under section 62 of the Railroad Law, as to changing a grade crossing of the Adirondack Railway (owned and operated by The Delaware and Hudson Company) in said town by a highway leading from Porter's Corners to Griffin Center and Saratoga Springs, at a point called Kings, to an undercrossing. Ordered hearing set for Monday, July 2, 1906, 2:30 p. m., at the office of the Board in the Capitol, Albany. (Grade Crossing Case No. 595.)

Bird S. Coler, President of the Borough of Brooklyn, New York city, in relation to Hegeman avenue, Brooklyn, being in the future carried across the Long Island Railroad and the railroad operated by the Brooklyn Heights Railroad Company (Brooklyn and Rockaway Beach Railroad), under section 61 of the Railroad Law. Supplemental report, dated May 9, 1906, received from the superintendent of the grade crossing bureau to the effect that Hegeman avenue is not a public highway in the vicinity of the proposed point of crossing. Ordered filed. Letter dated May 9, 1906, received from Mr. Coler. Ordered filed. Closed. (Grade Crossing Case No. 594.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, in which matter blue print revised detail plans and specifications for the superstructure for the Union street lift bridge over the canal were submitted to the Board by the New York Central and Hudson River Railroad Company, with a letter dated April 20, 1906, together with a report thereon, dated May 5, 1906, from the superintendent of the grade crossing bureau (see minutes of May 8, 1906), an additional report, dated May 24, 1906, was received from the superintendent of the grade crossing bureau to the effect that the total increased cost under these revised detail plans, as near as he can estimate, will be about \$1,000. The State Engineer and Superintendent of Public Works have not indorsed their approval on some of the plans (blue prints). Ordered plans not approved until such approval is had from said officers. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company in Schenectady from grade to undercrossings, in which on April 3, 1906 (see minutes of that date) blue print detail plan (sheets one and two) was submitted to the Board showing foundations for a passenger station and showing a subway and stairways at the station for which the masonry

is already partially constructed, and showing subway for baggage lift at station for which the masonry is already partially constructed,—the blue print detail plan was again considered by the Board (see minutes of May 8, 1906) and an additional report, dated May 24, 1906, was received from the superintendent of the grade crossing bureau as to whether the cost to be borne by the State, city and companies should be credited with the amount of masonry made unnecessary by the openings referred to in his report, dated May 5, 1906. Ordered filed. Ordered approved such blue print detail plan so far as it covers matters in the cost of which the State and the city are to participate. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law dated February 13, 1906, as to changing the Peek and Nott streets grade crossings of the Troy and Schenectady branch of the New York Central and Hudson River Railroad in Schenectady to undercrossings, blue print detail plans for the superstructures to carry the railroad at these streets were submitted to the Board by the company, together with a report thereon, dated May 24, 1906, from the superintendent of the grade crossing bureau. Ordered approved said blue print detail plans. (Grade Crossing Case No. 477.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad, and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, a tracing cloth plan and the specifications for the structure were submitted to the Board, with a letter dated June 2, 1906, by the Erie Railroad Company, together with a report thereon, dated June 4, 1906, from the superintendent of the grade crossing bureau. Ordered approved said tracing cloth plan and specifications for the substructure. This plan does not bear the approval of the Buffalo, Thousand Islands and Portland Railroad Company, nor has the Board any information from that company on the subject of the plan, the Board having written the Erie Railroad Company to send in the plan irrespective of the Buffalo, Thousand Islands and Portland Railroad Company, inasmuch as that company had had opportunity to approve or disapprove the plan and had taken no action. This plan shows space for four tracks for the Buffalo, Thousand Islands and Portland Railroad Company. This plan shows wings on the easterly abutment (see minutes of April 3, 1906). (Grade Crossing Case No. 293.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination, dated December 21, 1904, as to the closing and discontinuance of two highway grade crossings of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the town of Chatham, Columbia county, known as Cady's crossings, and the changing of one to an undercrossing of said railroad and the closing and discontinuance of the other, the travel therefrom to be diverted to the undercrossing by the construction of a new piece of highway, proposals of contractors for the substructural work were submitted to the Board by the Boston and Albany Railroad, the proposals being divided into two parts, one for the abutments and the other for the rest of the substructural work and the grading, etc., of the roadways. A report dated May 24, 1906, as to these proposals from the superintendent of the grade crossing bureau was also submitted to the Board. Ordered approved the proposal of Dwyer Brothers for the abutments, unit prices, estimated to amount to three thousand nine hundred and seventy-seven dollars (\$3,977), and ordered approved the proposal for the rest of the substructural work and the grading, etc., of the roadways of William Orlando, unit prices, estimated to amount to five thousand and sixty-five dollars and twenty-five cents (\$5,065.25). There was also submitted to the Board a letter from the company, dated May 19, 1906, stating that it is not to call for proposals for the bridge as it intends to purchase some rolled-steel beams and put them together and erect them itself. Ordered that this way of providing for the bridge be approved. (Grade Crossing Case No. 494.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1902, as to changing the Pine, Fonda, Nott and Romeyn streets grade crossings of the railroad operated by the Delaware and Hudson Company in Schenectady to undercrossings, proposals of contractors for paving, grading, laying curb, sidewalks and sewers and constructing a manhole and catch basins on the new pieces of streets to be constructed, were submitted to the Board by The Delaware and Hudson Company in a letter dated May 24, 1906, together with a report thereon, dated June 4, 1906, from the superintendent of the grade crossing bureau. Ordered approved the proposal of the Schenectady Contracting Company, unit prices, estimated to amount (in which the State and city are to participate) to seven thousand three hundred and fifty-eight dollars and seventy-nine cents (\$7,358.79). (Grade Crossing Case No. 390.)

In the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Plainview road or Jerusalem avenue in the town of Oyster Bay, Nassau county, situated at a point about 600 feet easterly from the Central Park station on said railroad, the travel thereon to be diverted therefrom by existing highways on each side of said railroad to an existing grade crossing of said company's railroad by a highway known as Park avenue situated next east of the Plainview road or Jerusalem avenue grade crossing, a letter dated May 11, 1906, was received from the company asking leave to withdraw this application. Ordered leave to withdraw the application granted and case closed. (Grade Crossing Case No. 261.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to the Delaware and Eastern Railroad crossing streets, avenues and highways in the county of Delaware, a report dated May 2, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 574.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated November 5, 1903, as to a second track of the New York, Ontario and Western Railway crossing streets, avenues and highways in the county of Sullivan, a report dated May 18, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 447.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated November 5, 1903, as to a second track of the New York, Ontario and Western Railway crossing streets, avenues and highways in the county of Delaware, a report dated May 19, 1906, was received from the inspector of grade crossings that the work has been completed. Ordered filed. (Grade Crossing Case No. 446.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated December 2, 1903, as to a second track of the New York, Ontario and Western Railway crossing streets, avenues and highways in the county of Orange, a report dated May 17, 1906, was received from the inspector of grade crossings that the work is completed. Ordered filed. (Grade Crossing Case No. 445.)

In the grade crossing cases referred to above, under section 60 of the Railroad law, namely, Grade Crossing Cases Nos. 446, 446 and 447, a report dated June 4, 1906, was also received from the superintendent of the grade crossing bureau. Ordered filed. This is not the completed work report, but there will be separate completed work reports for each of said cases. (Grade Crossing Cases Nos. 445, 446 and 447.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated March 27, 1906, as to the closing and discontinuance of a highway grade crossing of the Long Island Railroad by a highway known as the Country road or Forge road in the town of Riverhead, Suffolk county, and the construction of a new piece of highway and an overhead bridge crossing of said railroad at another point in said town without expense

to the State or town, a report dated May 8, 1906, was received from the inspector of grade crossings that the work had not yet been begun. Ordered letter written company on the subject. (Grade Crossing Case No. 588.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Caskey's grade crossing of the Erie Railroad in the town of Deerpark, Orange county, to an undercrossing and the construction of new pieces of highway, a report dated May 17, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 25, 1904, as to changing the Chautauqua road or Valley street (or Lake road) grade crossing of the Pennsylvania Railroad in the village of Mayville to an overcrossing, a report dated May 23, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 491.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of two highway grade crossings of the New York, Ontario and Western Railway at its Stony Ford station, and the construction of new pieces of highway and an overhead crossing of said railway about midway between the grade crossings, a report dated May 10, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 442.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 8, 1904, as to the closing and discontinuance of the Van Anden street grade crossing of the New York Central and Hudson River Railroad in the city of Auburn, and the construction of new pieces of streets, a report dated May 23, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 470.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 378 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company, a report dated May 24, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. In this report there is some reference made also to The Delaware and Hudson grade crossing work under section 62, Case No. 390. (Grade Crossing Case No. 369.)

Orders.

Mrs. William Lasher of Brown's Station against the Ulster and Delaware Railroad Company as to height of steps on passenger cars. Ordered recommendation made to the company that it equip its passenger cars with stepping-boxes and instruct trainmen to put them in use. (Case No. 3570.)

Louis H. Gein of Van Cortlandt on the New York and Putnam division of the New York Central and Hudson River Railroad Company against said company as to rates of fare. Ordered complaint dismissed. (Case No. 3539.)

Application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3530.)

The Board adjourned.

ALBANY, JUNE 5, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 9, 1902, as to changing the Pine, Fonda, Nott and Romeyn streets grade crossings of the railroad operated by the Delaware and Hudson Company in Schenectady to undercrossings, proposals of contractors for paving, grading, laying curb, sidewalks and sewers and constructing a manhole and catch basins on the new pieces of streets to be constructed, were submitted to the Board by The Delaware and Hudson Company in a letter dated May 24, 1906, together with a report thereon, dated June 4, 1906, from the superintendent of the grade crossing bureau. Ordered approved the proposal of the Schenectady Contracting Company, unit prices, estimated to amount (in which the State and city are to participate) to seven thousand three hundred and fifty-eight dollars and seventy-nine cents (\$7,358.79). (Grade Crossing Case No. 390.)

In the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Plainview road or Jerusalem avenue in the town of Oyster Bay, Nassau county, situated at a point about 600 feet easterly from the Central Park station on said railroad, the travel thereon to be diverted therefrom by existing highways on each side of said railroad to an existing grade crossing of said company's railroad by a highway known as Park avenue situated next east of the Plainview road or Jerusalem avenue grade crossing, a letter dated May 11, 1906, was received from the company asking leave to withdraw this application. Ordered leave to withdraw the application granted and case closed. (Grade Crossing Case No. 281.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to the Delaware and Eastern Railroad crossing streets, avenues and highways in the county of Delaware, a report dated May 2, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 574.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated November 5, 1903, as to a second track of the New York, Ontario and Western Railway crossing streets, avenues and highways in the county of Sullivan, a report dated May 18, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 447.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated November 5, 1903, as to a second track of the New York, Ontario and Western Railway crossing streets, avenues and highways in the county of Delaware, a report dated May 19, 1906, was received from the inspector of grade crossings that the work has been completed. Ordered filed. (Grade Crossing Case No. 446.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated December 2, 1903, as to a second track of the New York, Ontario and Western Railway crossing streets, avenues and highways in the county of Orange, a report dated May 17, 1906, was received from the inspector of grade crossings that the work is completed. Ordered filed. (Grade Crossing Case No. 445.)

In the grade crossing cases referred to above, under section 60 of the Railroad law, namely, Grade Crossing Cases Nos. 445, 446 and 447, a report dated June 4, 1906, was also received from the superintendent of the grade crossing bureau. Ordered filed. This is not the completed work report, but there will be separate completed work reports for each of said cases. (Grade Crossing Cases Nos. 445, 446 and 447.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated March 27, 1906, as to the closing and discontinuance of a highway grade crossing of the Long Island Railroad by a highway known as the Country road or Forge road in the town of Riverhead, Suffolk county, and the construction of a new piece of highway and an overhead bridge crossing of said railroad at another point in said town without expense

to the State or town, a report dated May 8, 1906, was received from the inspector of grade crossings that the work had not yet been begun. Ordered letter written company on the subject. (Grade Crossing Case No. 588.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Caskey's grade crossing of the Erie Railroad in the town of Deerpark, Orange county, to an undercrossing and the construction of new pieces of highway, a report dated May 17, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 25, 1904, as to changing the Chautauqua road or Valley street (or Lake road) grade crossing of the Pennsylvania Railroad in the village of Mayville to an overcrossing, a report dated May 23, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 491.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of two highway grade crossings of the New York, Ontario and Western Railway at its Stony Ford station, and the construction of new pieces of highway and an overhead crossing of said railway about midway between the grade crossings, a report dated May 10, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 442.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 8, 1904, as to the closing and discontinuance of the Van Anden street grade crossing of the New York Central and Hudson River Railroad in the city of Auburn, and the construction of new pieces of streets, a report dated May 23, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. Ordered filed. (Grade Crossing Case No. 470.)

In the matter of the determination of this Board, under section 62 of the Railroad Law and chapter 376 of the Laws of 1902, dated October 9, 1902, as to changing certain grade crossings of the New York Central and Hudson River Railroad and the railroad operated by The Delaware and Hudson Company, a report dated May 24, 1906, was received from the superintendent of the grade crossing bureau as to the progress of the work. In this report there is some reference made also to The Delaware and Hudson grade crossing work under section 62, Case No. 390. (Grade Crossing Case No. 369.)

Orders.

Mrs. William Lasher of Brown's Station against the Ulster and Delaware Railroad Company as to height of steps on passenger cars. Ordered recommendation made to the company that it equip its passenger cars with stepping-boxes and instruct trainmen to put them in use. (Case No. 3570.)

Louis H. Gein of Van Cortlandt on the New York and Putnam division of the New York Central and Hudson River Railroad Company against said company as to rates of fare. Ordered complaint dismissed. (Case No. 3539.)

Application of the Hudson River and Eastern Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3530.)

The Board adjourned.

ALBANY, JUNE 5, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Herbert T. Jennings for the applicant; Amos Van Etten for the Ulster and Delaware Railroad Company; H. C. Mitchell for the Catskill Electric Railway Company; Frost, Daring & Warner (Mr. Warner appearing) for the Albany and Schoharie Valley Railroad Company; L. E. Carr for The Delaware and Hudson Company. After hearing evidence and arguments this hearing was interrupted to hear what follows. (Case No. 3500.)

Village of Waterford against the United Traction Company as to the company not constructing tracks on a temporary bridge over the barge canal at Waterford. L. E. Carr, counsel, and E. S. Fassett, general manager, appeared before the Board in relation to the planking of the bridge. This hearing was not regularly set and no notice was given, but inasmuch as Mr. Carr and Mr. Fassett asked to be heard, they were heard on the question of planking. Mr. Carr stated that representatives of the company would confer with the State Engineer as to this planking. (Case No. 3538.)

The hearing in the application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate, under section 59 of the Railroad Law, was resumed. After hearing evidence and arguments further a recess in this matter was taken until 2:30 p. m. (Case No. 3500.)

Adjourned hearing in the application of the Rochester, Scottsville and Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Lewis & McKay (Mr. Lewis appearing) for the applicant; G. N. Orcutt for the Erie Railroad Company, in opposition; John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company, in opposition; Herbert P. Bissell appeared for the Buffalo & Rochester Traction Company (which has an application pending under section 59 of the Railroad Law), and asked that that company's application be heard and determined before this application is determined. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed by this Board. (Case No. 3532.)

In the matter of the determination of this Board, under section 68 of the Railroad Law, dated May 29, 1902, as to the Cortland County Traction Company's Railroad (street surface) crossing at grade the Syracuse, Binghamton and New York Railroad (steam) in Elm street, Cortland, Edwin Duffey, attorney for the company, appeared before the Board as to the conditions in the determination not having been complied with by the Cortland County Traction Company, and explained that they would be. Ordered that the inspector of grade crossings make a report in this matter in the near future. (Case No. 2677.)

In the matter of the petition of the president and trustees of the village of Homer as to changing the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad to an overcrossing, Edwin Duffey as attorney for the petitioners appeared before the Board. Ordered that the president of the village be asked to appear before the Board at the Hotel Iroquois in the city of Buffalo on Thursday, the 14th inst., at 12:30 p. m. Mr. Duffey is also to be present at that time. A report in this matter dated May 21, 1906, was submitted to the Board by the inspector of grade crossings. (Grade Crossing Case No. 543.)

The Board took a recess until 2:30 p. m.

AFTER RECESS — 2:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing of the application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate, under section 59 of the Railroad Law was resumed. Appearances as in the morning. After

hearing evidence and arguments further, the hearing was adjourned until Friday, June 22, 1906, 10 a. m., at the Surrogate's court room in the village of Oneonta. (Case No. 3500.)

Complaints.

William P. Gregg and others against the New York, Ontario and Western Railway Company as to the Cuddebackville station on its Port Jervis branch. A report was received from Commissioner Dickey. Ordered filed. Closed. (Case No. 3455.)

Bills Approved.

The following bills were approved:

General Expenses.

J. S. Kennedy (expenses).....	\$35 70
C. R. Barnes (expenses).....	122 70
J. D. Shultz (expenses).....	24 00
John J. Farley (expenses).....	22 00
Karl F. Colson (expenses).....	28 30
New York city office—H. C. Keyes (expenses).....	13 00
M. Agnes McMahon (sten. services).....	7 25
National Express Co.	129 53
American Express Co.	168 84
H. N. Bain & Co.	10 00
Cottrell & Leonard	12 50
Lyon & Company	2 25
Great Bear Spring Co.	3 90
"Klips," E. C. Cuyler, Secy.-Treas.	25 00
Brandow Printing Co.	72 41
Brandow Printing Co.	63 00
Brandow Printing Co.	22 92
Harry J. Sternberg	37 56
Harry J. Sternberg	2 25
Hudson Valley Paper Company	3 85
The Smith Premier Typewriter Co.	24 00
John R. McClellan.....	5 95
Thomas J. Cowell	12 65
William McNeilly (postage stamps).....	150 00
Western Union Telegraph Co.....	3 25
Postal Telegraph-Cable Co.	5 28
Hudson River Telephone Co.	39 32
Remington Typewriter Co.	70 00
New York Office—Hale Desk Co.	750 50
New York Office—Braus' Art Store.....	10 50
New York Office—George A. Traver, Supt.	2 50
New York Office—New York Telephone Co.	21 80
New York Office—Western Union Telegraph Co.	2 81
New York Office—C. P. Kelsey	18 30
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	\$1,923 83
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Grade Crossing Expenses.

A. H. Sutermeister (expenses)	\$24 15
James E. Brazee (expenses)	54 85
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	\$79 00
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MINUTES OF THE BOARD.

Grade Crossings—Construction Account.

Boston and Maine Railroad..... \$6,437 13

For the State's proportion of the cost of changing a grade crossing of the Fitchburg Railroad at Melrose in the town of Schaghticoke, Rensselaer county, to an undercrossing, in pursuance of a determination under section 62 of the Railroad Law dated August 24, 1899. There is to be a further accounting in this matter.

Bill for Printing the Annual Report.

Brandow Printing Co. \$9,071 95

For printing the twenty-third annual report of the Board of Railroad Commissioners.

We understand of the amount so much has been paid 7,711 16

Leaving amount to be paid..... \$1,360 79

The Board adjourned.

NEW YORK, JUNE 6, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

In the matter of the recommendations of this Board to the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor, and as to other matters, in the complaint of the Property Owners' Association of the Twenty-third ward, Borough of the Bronx, New York city, a further hearing was held before this Board (see minutes of May 23, 1906.) Charles Baxter, chairman, executive committee, Property Owners' Association of the Twenty-third ward, Borough of the Bronx, New York city; J. Homer Hildreth, president joint rapid transit committee of the Bronx Civic Associations, Olin J. Stevens, president of the North Side Board of Trade, A. C. Hottenroth, Julius H. Haas, secretary joint rapid transit committee of the Bronx Civic Associations, and Mr. McLaughlin, for complainants; Charles A. Gardiner, attorney, and Frank Hedley, general manager, for the company. After hearing arguments the hearing was closed. This case has been referred to the Attorney-General, and it was ordered on this date that it be withdrawn from the Attorney-General, the recommendations of this Board, dated April 10, 1906, on this date having been canceled and new recommendations to the company made. (Case No. 3535.)

In the matter of the recommendations of this Board to the Interborough Rapid Transit Company as to additional stairways at the Houston, Ninth and Eighteenth streets stations on its Manhattan Railway, Third avenue division. Charles A. Gardiner, attorney, and Frank Hedley, general manager of the company, were heard. After hearing arguments the Board determined to hold this matter open in view of the statements of counsel as to the progress being made in securing consents and as to inability of the company to condemn where new stairways must be partly on streets other than Third avenue. (Case No. 3112.)

Complaints.

In the matter of the preambles and resolution of the board of aldermen of New York city in relation to the Interborough Rapid Transit Company placing drip-pans over the crosswalks on its elevated railroad structures on Westchester avenue and the Southern Boulevard, New York city, the electrical expert made a verbal report that these elevated railroad structures are part of the subway system. Ordered letter written the complainants that this matter is under the jurisdiction of the Rapid Transit Commissioners in New York city, and case closed. (Case No. 3564.)

Orders.

Property Owners' Association of the Twenty-third ward, Borough of the Bronx, New York city, against the Interborough Rapid Transit Company. Ordered recommendations issued to the company as shown by office original thereof on file. It was also ordered that the recommendations of this Board dated April 10, 1906, in this matter be canceled, the recommendations of this date taking their place. (Case No. 3535.)

The board adjourned.

BUFFALO, JUNE 13, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell. Commissioner Baker was absent by direction of the Board in New York city in the complaint of Louis H. Gein against the Union Railway Company as to non-operation of its railroad from Van Cortlandt avenue or Two Hundred and Forty-second street to Kings Bridge, New York city; and after the recess on this day Commissioner Rockwell left for New York in the same matter.

Hearings.

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Bushnell & Metcalf (both being present) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the Buffalo Frontier Terminal Railroad Company, in opposition; William R. Pooley appeared for Simon Fleischmann (who could not be present) who appears for George P. Sawyer, the Hazard Powder Company, the Niagara River Investment Company and Messrs. Barse and Amm, property owners, in opposition. Thomas R. Stone, who appeared for Moses H. Cherry, William R. Cherry and Mary Landal, in opposition on May 16 last, was not present at this hearing on this date and on the 14th inst. After hearing evidence and arguments a recess in this matter was taken until 2:30 p. m. (Case No. 3432.)

In the matter of a crossing at grade of the Delaware, Lackawanna and Western Railroad, the Buffalo Creek Railroad, the Pennsylvania Railroad and the New York, Chicago and St. Louis Railroad at the junction near Smith street, Buffalo — C. J. Phillips, superintendent, Buffalo division, appeared for the Delaware, Lackawanna and Western Railroad Company; E. E. Hart, chief engineer, appeared for the New York, Chicago and St. Louis Railroad Company; W. L. Marcy, attorney, and E. F. Knibloe, general agent, appeared for the Buffalo Creek Railroad Company. After hearing arguments the statement was made that no agreement as to changing this crossing from grade has yet been reached by the companies involved. Ordered further hearing in the matter held in the future. (Inspection Case No. 29 — 1905.)

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Erie Railroad in the Main street undercrossing in the village of Salamanca. W. L. Marcy for the applicant; no one else appeared. After hearing arguments the hearing was closed. (Case No. 3521.)

Application of the Lehigh Valley Railway Company for approval of an increase of its capital stock for ten million dollars (\$10,000,000) to eleven million two hundred thousand dollars (\$11,200,000). Walter P. Cooke for the applicant. After hearing arguments the hearing was closed. On this date Mr. Cooke added to the petition in this matter his affidavit as to the purpose to which the proposed increase of stock are to be devoted. (Case No. 3607.)

Orders.

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Erie Railroad in the Main street undercrossing in the village of Salamanca. Granted as shown by office original determination on file. (Case No. 3521.)

The Board took a recess until 2:30 p. m.

AFTER RECESS — 2:30 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Aldridge.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments further, the hearing was adjourned until Thursday, June 14, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

The Board in executive session heard further evidence on the *bona fides* of the application of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law, and of the financial ability of the projectors to build the road. The evidence on these subjects was not concluded and there is to be a further hearing in executive session thereon at a date to be thereafter fixed. (See minutes of May 17, 1906.) (Case No. 3082.)

Complaints.

In the matter of the complaint of Irving H. Loughran and others against the Orange County Traction Company as to service rendered the public on its Walden line, in which this Board made recommendations dated May 14, 1906, to the company, a report dated June 7, 1906, was received from the electrical expert as to compliance with certain of the recommendations and stating that the company had given no intimation of its intention to comply with recommendations Nos. 5, 6, 7, 8 and 13. Ordered that the matter of these recommendations numbered 5, 6, 7, 8 and 13, be referred to the Attorney-General under section 161 of the Railroad Law. (Case No. 3571.)

Orders.

Application of the Lehigh Valley Railway Company for approval of an increase of its capital stock from ten million dollars (\$10,000,000) to eleven million two hundred thousand dollars (\$11,200,000). Granted. (Case No. 3607.)

The Board adjourned.

BUFFALO, JUNE 14, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn and Dickey.

Hearings.

In the matter of the petition of the president and trustees of the village of Homer, under section 62 of the Railroad Law, as to the closing and discontinuance of the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad in said village, and the diversion of the travel to an overhead crossing of said railroad proposed to be constructed about 100 feet south of said existing grade crossing, by the construction of new pieces of highway and approaches to said proposed overcrossing, in which matter the evidence was closed at a hearing in Albany on July 6, 1905 — C. O. Newton, president of the village, appeared by request of the Board; Edwin Duffey appeared for the Delaware, Lackawanna and Western Railroad Company and for the Cortland County Traction Company. Arguments were heard. Two blue print plans as to this proposed overcrossing were submitted to the Board on this date by Mr. Duffey, and these plans were indorsed on this date with the approval of Mr. Newton as president of the village of Homer. One of said plans bears a statement of material needed for the bridge. (Grade Crossing Case No. 543.)

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Appearances as yesterday, except that Mr. Fleischmann appeared in place of William R. Pooley. A stipulation was entered into at this time by those appearing to the effect that although there were but two of the members of the Board present the hearing should go on condition that the other three members of the Board should read the stenographer's minutes of this date in this case. After hearing evidence and arguments a recess in this matter was taken until 2 p. m. (Case No. 3432.)

John Dort and C. J. Beardsley of Oramel against the Pennsylvania Railroad Company as to its station at Oramel. This hearing was set for 12:30 p. m., but when called no one appeared either for complainants or for the company. Subsequently and after recess complainants appeared as hereinafter stated. (Case No. 3569.)

In the matter of consents of this Board to issue of mortgages by the Buffalo and Williamsville Electric Railway Company and the Buffalo, Batavia and Rochester Electric Railway Company, in which the president of the companies was notified to appear before the Board in Buffalo on this date at 12:30 p. m., at the Hotel Iroquois, neither the president nor any one representing him appeared. (Cases Nos. 2980 and 3368.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn and Dickey.

Hearings.

Adjourned hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Bissell & Riley (Mr. Bissell appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition. Without hearing evidence or arguments, by agreement of Mr. Bissell and Mr. Pooley, the hearing was adjourned until Friday, June 29, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3448.)

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad

Law, was resumed. Appearances as in the morning. No evidence was taken or arguments were heard, except arguments as to date for adjourned hearing. The hearing was adjourned until Monday, September 17, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

The matter of the complaint of John Dort and C. J. Beardsley of Oramel against the Pennsylvania Railroad Company as to its station at Oramel was resumed. A. B. McIntosh appeared for complainants; no one appeared for the company. After hearing evidence the hearing was closed. (Case No. 3569.)

The Board adjourned.

NEW YORK, JUNE 19, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the matter of the petition of the mayor and common council of the city of Yonkers and the New York Central and Hudson River Railroad Company, joined, under section 62 of the Railroad Law, as to changing certain grade crossings in Yonkers of said company's railroad from grade. C. C. Paulding for the New York Central and Hudson River Railroad Company; John H. Coyne, mayor, Thomas F. Curran, city attorney, and Samuel L. Cooper, commissioner of public works, for the city of Yonkers; Ludlow & Townsend (Mr. Ludlow appearing) for James B. Ludlow as one of the executors and trustees of the last will and testament of Thomas W. Ludlow, Jr., deceased, and especially for the purpose of objecting to the jurisdiction for Jacob F. Miller, the other surviving executor and trustee of the same will and testament, also for executors and trustees of the last will and testament of Henry M. Schieffelin, deceased, also for the Pure Oil Company at the request of Mr. Murphy, also for Henry S. Ford and Mary G. Hays, property owners; Lavinia Lally for herself, Catherine M. Lally and Emelie Lally; Waldo G. Morse for himself and John D. Sullivan, property owners; E. K. Martin, president of the Board of Trade; Campbell Scott for the Otis Elevator Company; Joseph Peene for a steamboat company whose name was not given. After hearing arguments the evidence was closed subject to a motion which may be made by Mr. Ludlow to re-open the evidence on the ground that the cross-examination of the witness Harwood, an engineer of the company, has not been concluded. It is possible that the Board itself may re-open the evidence for further evidence or arguments. Therefore, while the evidence is closed except as stated, the matter of this petition is held open. (Grade Crossing Case No. 533.)

Complaints.

Property Owners' Association of the Twenty-third ward, Borough of the Bronx, New York city, against the Union Railway Company and the New York City Interborough Railway Company as to service rendered the public, this complaint being dated the 8th inst. Referred to Commissioners Baker and Rockwell. (Case No. 3608.)

Orders.

Petition of the president and trustees of the village of Homer, under section 62 of the Railroad Law, as to the closing and discontinuance of the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad in said village, and the diversion of the travel to an overhead bridge

crossing of said railroad proposed to be constructed about 125 feet south of said existing grade crossing by the construction of new pieces of highway and approaches to said proposed overcrossing. Determination, as shown by office original determination on file, that said crossing shall be closed and discontinued and the travel diverted to an overhead crossing to be constructed by the construction of new pieces of highway and approaches. (Grade Crossing Case No. 543.)

Judson G. Wall against the New York City Railway Company (Interurban Street Railway Company) as to issue of certain notes. Determination as shown by office original determination on file. (Case No. 3520.)

Stanley P. Wells was appointed a stenographer in the Albany office of the Board at a salary of \$900 a year.

Bill Approved.

The following bill was approved:

General Expenses.

Metropolitan Life Ins. Co., (June rent, etc., New York office)	<u>\$177 15</u>
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The Board adjourned.

NEW YORK, JUNE 20, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the New York and Queens County Railway Company for consent of this Board to the issue of a first and refunding mortgage for ten million dollars. Strong & Cadwalader (Mr. Gale appearing) for the applicant. After hearing arguments the hearing was adjourned to a date to be thereafter fixed. (Case No. 3500.)

Adjourned hearing in the application of the New York City Interborough Railway Company (street surface), under section 68 of the Railroad Law, as to its railway crossing the New York and Harlem Railroad (steam; leased to and operated by the New York Central and Hudson River Railroad Company) in One Hundred and Eightieth street, Borough of the Bronx, New York city, on an existing bridge which carries One Hundred and Eightieth street across the steam railroad. Strong & Cadwalader (Mr. Gale appearing) for the applicant; J. Beakes Crosby for the New York Central and Hudson River Railroad Company. After hearing arguments the hearing was closed. (Case No. 3399.)

Applications.

Application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad shall cross streets, avenues and highways in the county of Orange. Ordered hearing set for Thursday, July 12, 1906, 10 a. m., at the Court House, Goshen. (Grade Crossing Case No. 600.)

Orders.

Application of the New York city Interborough Railway Company (street surface), under section 68 of the Railroad Law, as to its railway crossing

the New York and Harlem Railroad (steam; leased to and operated by the New York Central and Hudson River Railroad Company) in One Hundred and Eightieth street, Borough of the Bronx, New York city, on an existing bridge which carries One Hundred and Eightieth street across the steam railroad. Determination that the crossing be made on said bridge and as to proportion of expense, as shown by office original determination on file. (Case No. 3399.)

The board adjourned.

ONEONTA, JUNE 22, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Herbert T. Jennings for the applicant; Amos Van Etten for the Ulster and Delaware Railroad Company; H. C. Mitchell for the Catskill Electric Railway Company; L. E. Carr for The Delaware and Hudson Company. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed by the Board. The applicant is to file with the Board vouchers as to the expenditure of the ten per cent. of its capital stock mentioned in its articles of association. (Case No. 3500.)

The Board adjourned.

LIVONIA, JUNE 27, 1906.

Hearing before Commissioner Baker (by delegation of the Board) on the petition of the president and trustees of the village of Livonia, under section 62 of the Railroad Law, as to the closing and discontinuance of the Main street, Big Tree street, and West avenue grade crossings of the Erie Railroad in said village, the travel thereon to be diverted therefrom to a new crossing of said railroad, which the petition asks this Board shall be constructed across said railroad (not at the grade of the railroad) in the vicinity of the present said grade crossings. It appeared at this hearing that the desire of the petitioners is not that the Main street and the Big Tree street crossings shall be closed, but that the West avenue crossing shall be closed and the travel diverted to a new overhead crossing proposed. A. N. Stewart, president of the village, and Charles Ward, attorney for the village, appeared for the petitioners; S. E. Hitchcock, who is attorney in fact for the heirs-at-law of F. J. Coe, also appeared; F. A. Robins for the Erie Railroad Company, not in opposition at this time at least. After hearing arguments the arguments were closed but the matter was held open. Mr. Robins is to inform the Board whether or not the Erie Railroad Company will oppose the petition, and is to send here a copy of a plan and estimate for the work as proposed. If the company opposes the petition there is to be another hearing. Mr. Ward or Mr. Hitchcock is to send to the Board a waiver by the heirs-of-law of F. J. Coe of notice of this hearing, notwithstanding the notice that was addressed to F. J. Coe, at Livonia, N. Y., and to S. E. Hitchcock, as attorney in fact for the heirs-at-law of F. J. Coe. The village trustees by their attorney, Mr. Ward, state that they can procure the right of way for the new street for \$925, a house thereon to be reserved to the present owner thereof. (Grade Crossing Case No. 469.)

DUNKIRK, JUNE 28, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Oneonta and Mohawk Valley Railroad Company for consent to the issuance of a first mortgage for one million eight hundred thousand dollars. H. W. Bean for the applicant. After hearing arguments the hearing was closed. (Case No. 3619.)

Application of the Dunkirk Street Railway Company for a certificate under section 59 of the Railroad Law. Nellany & Georgi (Mr. Nellany appearing) for the applicant; Evan Hollister for the New York, Chicago and St. Louis Railroad Company; Mr. Hollister also entered an appearance for Frank Rumsey, solicitor of the Pennsylvania Railroad Company; Thomas D. Powell, attorney, and H. M. North, assistant engineer of construction, for the Lake Shore and Michigan Southern Railway Company and for the Dunkirk, Allegheny Valley and Pittsburgh Railroad Company; Jerome B. Fisher for the Erie Railroad Company. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed by the Board, which date was subsequently fixed as Wednesday, July 25, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3580.)

Orders.

Application of the Oneonta and Mohawk Valley Railway Company for consent to the issuance of a first mortgage for one million eight hundred thousand dollars. Granted. (Case No. 3619.)

The Board took a recess until 3 p. m., at the Hotel Iroquois, Buffalo.

AFTER RECESS — BUFFALO, 3:00 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

In the matter of the adjourned hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad Law, which was to have been held in Buffalo on Friday, June 29, 1906, 10 a. m., at the Hotel Iroquois, H. P. Bissell for the applicant and M. C. Spratt for the New York Central and Hudson River Railroad Company, which appears in opposition, appeared before the Board and asked that the hearing of June 29 be postponed. Said hearing was postponed until Tuesday, July 24, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3448.)

The board adjourned.

BUFFALO, JUNE 29, 1906.

The adjourned hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad Law which was to have been held in Buffalo to-day did not take place, but was postponed until Tuesday, July 24, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (See minutes of June 28, 1906.) (Case No. 3448.)

ALBANY, JULY 2, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of June 4, 5, 6, 13, 14, 19, 20, 22, 27, 28 and 29 were read and approved.

Hearings.

Application of the Brooklyn City Railroad Company for consent to the issuance of a refunding mortgage for six million nine hundred and twenty-five thousand dollars. W. C. Trull for the applicant. The meeting of the stockholders of the company to pass upon the question of the issuance of this mortgage has not been held, but has been noticed for July 10, 1906. (Case No. 3628.)

Complaints.

President of the Borough of Brooklyn, New York city, against the Brooklyn Heights Railroad Company, the Brooklyn, Queens County and Suburban Railroad Company, the Coney Island and Brooklyn Railroad Company and the Nassau Electric Railroad Company as to ten-cent passenger fare to Coney Island. Ordered hearing set for Monday, July 16, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3622.)

Charles J. Miller against the International Railway Company as to lack of water closets at the Newfane station on said company's railroad. Letter dated June 5, 1906, received from the company stating that a water-closet is being installed at this station. A letter dated June 8, 1906, received from complainant to the same effect. Ordered filed. Closed. (Case No. 3589.)

F. W. Gardner against the Rutland Railroad Company as to the condition of its fence along his farm at Petersburg Junction. Copy sent company. Answer of company received stating that the fence will be repaired. Copy sent complainant. (Case No. 3624.)

Olin J. Stephens, president of the North Side Board of Trade, and William Stonebridge, Borough of the Bronx, New York city, against the Union Railway Company, Mr. Stephens asking for a schedule of the cars of the Union Railway Company and Mr. Stonebridge asking for a schedule of the cars of the Union Railway Company on its Kings Bridge or Fordham Heights line, operative from May 1, to May 15, 1906, during the early morning hours. A letter dated June 25, 1906, inclosing schedules received from the company, the Kings Bridge and Fordham Heights, schedule being the present one instead of the Kings Bridge being that operative from May 1 to May 15. Copies sent complainants. Closed. (Case No. 3615.)

S. W. Turner against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to the One Hundred and Sixteenth street and Eighth avenue station on said railway. A report dated June 22, 1906, received from the electrical expert. Ordered copy sent complainant. This case has been closed but was re-opened (see minutes of January 9, 1906). Ordered again closed. (Case No. 3275.)

In the matter of the recommendations of this Board to the Interborough Rapid Transit Company as to guard-rails at the Third avenue and One Hundred and Forty-ninth street station on the Manhattan Railway, lessor, and as to other matters, in the complaint of the Property Owners' Association of the Twenty-third ward, Borough of the Bronx, New York city, a letter dated, June 15, 1906, was received from the Attorney-General consenting to the withdrawal of this case from his consideration and action. A letter dated June 12, 1906, was received from the company as to the recommendations of the Board which were transmitted to the company in a letter from this Board, dated June 11, 1906 (adopted June 6, 1906). A letter dated June 12, 1906, was received from the Board of Rapid Transit Railroad Commissioners of the State as to the same recommendations, which were transmitted to said Board in a letter from this Board dated June 11, 1906. Ordered filed. (Case No. 3535.)

George D. Bedell of Clinton Corners, against the Central New England Railway Company as to fence of said company along his farm. Letter dated June 14, 1906, received from the company stating that the fence has been repaired. Letter dated June 19, 1906, received from complainant on the subject. Ordered filed. Closed. (Case No. 3578.)

John Allaire against the Brooklyn Heights Railroad Company as to said company not running cars in the morning and evening from the Thirty-ninth street ferry to Ulmer Park. Letter dated June 27, 1906, received from the company. Copy sent complainant. Ordered letter written the company on the subject. (Case No. 3620.)

H. P. Russell of Pine Hill, on the Ulster and Delaware Railroad, against the National Express Company as to rates on small packages and failure to deliver such packages from the company's office to the residence or business place of the consignee. Answer of company received. Copy sent complainant. Reply of complainant, without date, received. Letter dated June 6, and postal card dated June 19, 1906, received from complainant. Ordered filed. Closed. (Case No. 3584.)

Louis H. Gein against the Union Railway Company as to its tracks not being laid on its route from Van Cortlandt or Two Hundred and Forty-second street to Kings Bridge, New York city. Report dated June 14, 1906, received from Commissioners Baker and Rockwell. Copy sent complainant. Letter dated June 21, 1906, received from complainant. Closed. This letter also refers to Case 3539, Mr. Gein's complaint against the New York Central and Hudson River Railroad Company, which is closed. (Case No. 3581.)

James J. Lawless, of West Seneca, Erie county, against the Buffalo Southern Railway Company as to passenger fares charged. Copy sent company. Answer of the company received. Copy sent complainant. Reply of complainant received. Ordered copy of complainant's reply sent company with letter as shown by copy on file. (Case No. 3602.)

E. L. Cottell against the Staten Island Rapid Transit Railway Company as to failure to sell excursion tickets to certain stations. Letter dated June 9, 1906, received from complainant, stating that the tickets had not been put on sale at Dongan Hills. Letter dated June 11, 1906, written company on the subject. Letter dated June 14, 1906, received from the company to the effect that the tickets had since the letter of complainant of June 9 been placed on sale at Dongan Hills. Letter dated June 16, 1906, received from complainant, stating that tickets had been placed on sale at Dongan Hills. Ordered filed. Closed. (Case No. 3588.)

B. L. Brown of Moriah, against The Delaware and Hudson Company as to the rate on anthracite coal from Whitehall to Port Henry. Answer of company received. Copy sent complainant. In this matter Commissioners Baker and Rockwell made a verbal report, the matter having been referred to them. Closed. (Case No. 3593.)

Allison Orts against the Brooklyn Heights Railroad Company as to operation of cars on its Fifth avenue line from Thirty-ninth street ferry after midnight, and as to non-operation of cars on its line from Coney Island after 1:30 in the morning. Answer of company received. Copy sent complainant. The electrical expert has been instructed to make a report in this matter. (Case No. 3592.)

Herbert Vandyke against the Interborough Rapid Transit Company and the Union Railway Company; the complaint against the Interborough Rapid Transit Company being in relation to lack of an elevator or an escalator at its One Hundred and Fifty-fifth street and Eighth avenue station and as to delay at this station in exchanging transfer tickets from the Jerome avenue trolley line; the complaint against the Union Railway Company being as to its southbound service on Jerome avenue between 7 and 10 a. m. Report dated June 20, 1906, received from the electrical expert. Ordered filed. The electrical expert is to make a supplemental report on the subject of an escalator or elevator at the station. Letter dated June 7, 1906, received from complainant. Letter dated June 15, 1906, received from the Interborough Rapid Transit Company. Ordered filed. (Case No. 3582.)

George E. Spring, attorney, the Gowanda State Homeopathic Hospital, against the Erie Railroad Company as to the station of said company at Collins, Erie County. Copy sent company. Ordered letter written company, as shown by copy on file. (Case No. 3609.)

W. St. J. Comstock against the New York, New Haven and Hartford Railroad Company as to passenger train service at New Rochelle. Copy sent company. Letter dated June 21, 1906, received from the company. Copy sent complainant. (Case No. 3618.)

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its cemetery line. Letter dated June 19, 1906, received from complainant in answer to company's letter dated May 29, 1906. Report dated June 21, 1906, received from Commissioners Baker and Rockwell. Commissioners Baker and Rockwell are to make a further report in this matter. (Case No. 3531.)

Residents of South Gilboa against the Ulster and Delaware Railroad Company as to construction of a station building and side tracks on that company's railroad at South Gilboa. Copy sent company. Answer of company received. Copy sent complainants. Reply of complainants received. Ordered letter written company, as shown by copy on file. (Case No. 3604.)

Malcolm Stuart against the New York Central and Hudson River Railroad Company as to overcrowding of train No. 122 (124) on the New York and Putnam division of said company's railroad, leaving High Bridge, New York city, about 5:40 p. m. Reply of complainant to answer of company received. Ordered filed. Closed. (Case No. 3536.)

Village of Waterford against the United Traction Company as to the company not constructing tracks on a temporary bridge over the barge canal at Waterford. Letter dated June 20, 1906, received from the company, stating that rails were being laid on this bridge. Letter dated June 26, 1906, received from complainant, stating that the cars of the company are operating over the bridge. Ordered filed. Closed. (Case No. 3538.)

E. H. Weber against the Brooklyn Heights Railroad Company in relation to operation of cars on the Brooklyn Bridge and on the Bergen street line and the Brighton Beach line of said company. Report dated June 21, 1906, received from the electrical expert. Ordered filed. This matter was referred to Commissioners Baker and Rockwell, but the report is made by the electrical expert. Closed. (Case No. 3489.)

Caleb Bentley against the Rutland Railroad Company, asking for a farm-crossing of said railroad adjoining his farm. Report dated June 21, 1906, received from the inspector of grade crossings. Ordered filed. This case was closed on the minutes of June 4, 1906, and is now re-opened. (Case No. 3436.)

H. P. Quick against the Brooklyn Heights Railroad Company as to lighting of cars of said company (Brighton Beach line) when in underground crossings of streets between Beverly Row and Park place, Brooklyn; as to the lighting of such underground passages, and as to the giving passengers checks for second fare. Copy sent company. Letter dated June 20, 1906, received from company. Copy sent complainant. Report dated June 20, 1906, received from electrical expert. Ordered recommendation in said report as to the lighting of the underground passages made the recommendation of the Board. (Case No. 3611.)

In the matter of the complaint of Joseph Beihlf against the Interborough Rapid Transit Company and in the matter of the recommendation of this Board to said company, dated April 10, 1906, that it construct a station on its Manhattan Railway line, northbound track, at Eight avenue and One Hundred and Thirtieth street.—a report dated June 20, 1906, was received from the electrical expert to the effect that the construction of this station has not been commenced. Ordered hearing in the matter of failure to commence construction of this station set for Monday, July 16, 1906, 2:30 p. m., at the New York office of the Board, room 5066, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3439.)

Citizens' Union of the City of New York against the New York City Railway Company as to condition of its cars on its Twenty-eighth and Twenty-ninth streets line and on the Belt line. Copy sent company. Answer of company received. Copy sent complainant. Report dated June 20, 1906, of the electrical expert received. Ordered recommendations in said report

which are as to the Twenty-eighth and Twenty-ninth streets line made the recommendations of the Board. (Case No. 3612.)

W. C. Coleman against the Long Island Railroad Company in relation to delivery of freight by said company at its Setauket station. Copy sent company. (Case No. 3599.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Letters dated June 13 and June 16, 1906, received from complainant. Report dated June 20, 1906, received from the electrical expert. Ordered recommendation in report made the recommendation of the Board. (Case No. 3222.)

Olive R. Hand of Lebanon Springs, against the Rutland Railroad Company as to condition of fence of said company along her farm. Copy sent company. Answer of company received. Copy sent complainant. Letter dated June 29, 1906, received from complainant stating that the fence had not been constructed. Ordered filed, because under date of July 2, 1906, complainant notified the Board the fence had been constructed. (Case No. 3598.)

S. B. Hadsell of Lebanon Springs, against the Rutland Railroad Company as to the condition of the fence of that company along his farm. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3616.)

F. W. Gardner against the Boston and Maine Railroad as to weeds on the right of way of said railroad along complainant's farm at Petersburg Junction. Copy sent company. (Case No. 3625.)

The Arverne-by-the-Sea Association against the Long Island Railroad Company as to protection at grade crossings of said railroad at Arverne and as to there not being an agent at one or more stations in that vicinity. Copy sent company. Letter dated June 8, 1906, received from company. Copy sent complainant. Ordered letter written company, as shown by copy on file. (Case No. 3603.)

J. Wadsworth Norton against the Brooklyn Heights Railroad Company in relation to speed of trains through New Utrecht avenue, Brooklyn. Letter dated June 9, 1906, received from complainant. Report dated June 14, 1906, received from the electrical expert. Copy sent complainant and company, the company being asked if it would see that the recommendation of this Board in report of the electrical expert dated May 23, 1905, in relation to rate of speed of trains through New Utrecht avenue, would be complied with. Letter dated June 20, 1906, received from the company, stating that the recommendation would be complied with. Copy sent complainant. Letter dated June 23, 1906, received from complainant. Ordered that the electrical expert make another report in this matter. (Case No. 3597.)

Tobey & Kirk, in relation to a second mortgage of the Broadway and Seventh Avenue Railroad Company, New York city. Answer of the company received. Copy sent complainants. Letter dated June 28, 1906, received from complainants. Closed. (Case No. 3574.)

A. B. Jennings of Williams Bridge, New York city, against the Union Railway Company as to operation of its railway in the White Plains road between West Farms and Williams Bridge, New York city. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Report dated June 20, 1906, received from the electrical expert. Ordered recommendation in the report made the recommendation of this Board. (Case No. 3600.)

Edward C. Buchenau and G. M. Carnochan against the Erie Railroad Company relative to passenger train service from New City. Letter dated June 16, 1906, received from company. Letter dated June 17, 1906, received from Mr. Carnochan, stating that the recommendation of the Board had been complied with. Closed. (Case No. 3342.)

John R. Zwicky of Staten Island, against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public.

Ordered that the companies be notified that the recommendations of the Board of April 18 last, as to trains and cars meeting the 2:15 a. m. ferry-boat from New York, are continued until further notice from this Board. Report dated June 29, 1906, received from the electrical expert. Ordered filed. Letter received from the Richmond Light and Railroad Company, dated June 21, 1906. Ordered filed. (Case No. 3457.)

Report dated June 22, 1906, of the electrical expert, in relation to the operation of the Mt. Vernon line of the Union Railway Company via Webster avenue, New York city, received. Ordered filed. Closed. (Case No. 3610.)

M. Raynor as to the construction of a railroad at Freeport by the Great South Bay Ferry Company of Long Beach. Report dated June 22, 1906, of the electrical expert received. Ordered filed. Ordered matter referred to Commissioners Baker and Rockwell. (Case No. 3576.)

Taxpayers' Non-Partisan Association of the Third Ward, Borough of Queens, New York city, against the New York and Queens County Railway Company as to service rendered the public. Closed. This case was closed November 10, 1905, re-opened February 13, 1906, and is again closed. (Case No. 3365.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to service rendered the public. Closed. (Case No. 3491.)

The matter of recommendations of this Board to the Brooklyn Heights Railroad Company, dated March 22, 1906, as to service rendered the public on its elevated lines, and recommendations dated March 27, 1906, to the Brooklyn Heights Railroad Company as to service rendered the public on its surface lines, was closed. (Case No. 3542.)

Investigation by the Board in the matter of operation of street surface and elevated railroads by the Brooklyn Heights Railroad Company. Closed. This matter is involved with Case No. 3542; the number of this case is 3510. (Case No. 3510.)

Woodlawn Taxpayers' Association of New York city against the Union Railway Company as to service rendered the public. Closed. This case was closed November 10, 1905, re-opened December 13, 1905, and is now again closed. (Case No. 3434.)

Borough President Coler's Committee of One Hundred and Prospect Heights Citizens' Association against the Brooklyn Heights Railroad Company as to service rendered the public. Closed. (Case No. 3546.)

President of the Borough of Brooklyn against the Brooklyn Heights Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, the Coney Island and Brooklyn Railroad Company and the Nassau Electric Railroad Company as to fare of ten cents charged to Coney Island. Ordered hearing set for Monday, July 16, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3622.)

In the matter of the recommendations of this Board, dated January 23, 1906, to the Albany and Hudson Railroad Company, in the complaint of E. A. Bedell against said company, a letter dated June 30, 1906, was received from the company as to compliance with the recommendations. Ordered letter written the company as shown by copy on file. (Case No. 3402.)

In the matter of the complaint of merchants and others of Canaseraga, Allegheny county, as to the name of the Canaseraga station on the New York Central and Hudson River Railroad and the West Shore Railroad, a circular dated June 17, 1906, was received from the New York Central and Hudson River Railroad Company to the effect that the name of this station on its line and its lessor, the West Shore Railroad, had been changed to Sullivan. Ordered filed. This case was closed April 24, 1906, and is not re-opened. (Case No. 3499.)

In the matter of the complaint of Irving H. Loughran and others against the Orange County Traction Company, in which this Board has made recommendations dated May 14, 1906, and in which the matter of failure of the company to comply with some of the recommendations has been turned over

to the Attorney-General, a letter dated June 19, 1906, was received from Deputy Attorney-General Graham. Ordered filed. (Case No. 3571.)

In the matter of the recommendation of this Board in the complaint of Mrs. William Lasher of Brown's station against the Ulster and Delaware Railroad Company as to height of steps on passenger cars, a letter dated June 20, 1906, was received from the company stating that the recommendation would be complied with. (Case No. 3570.)

T. J. Johnston against the Brooklyn Heights Railroad Company in relation to service rendered the public. Ordered that the electrical expert make a report in this matter. Copy not sent company at this time. (Case No. 3557.)

A letter dated June 21, 1906, was received from J. C. Finch, being complaint as to change of time on the electric division of the Fonda, Johnstown and Gloversville Railroad in Amsterdam. Ordered filed and not made a case.

In the matter of the complaint of the president and trustees of the village of Falconer against the Erie Railroad Company and the Lake Shore and Michigan Southern Railway Company as to station at that point, a letter dated June 28, 1906, was received from the Erie Railroad Company stating that the station has been practically completed. Ordered filed. (Case No. 2896.)

In the matter of the complaint of Arthur C. Ferguson against the Troy and New England Railway Company as to the physical condition of its railway, a letter dated June 23, 1906, was received from the receiver of the company and a report dated June 30, 1906, was received from the superintendent of the grade crossing bureau as to the recommendations of the Board. Ordered that the superintendent of the grade crossing bureau make another inspection of this road. (Case No. 2886.)

Henry W. Helfer against the Union Railway Company as to operation of cars on the Central Bridge and Jerome avenue lines, New York city. Copy sent company. Referred to Commissioner Rockwell. (Case No. 3630.)

Applications.

Application of the Adirondack and St. Lawrence Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, July 31, 1906, 2:30 p. m., at Bagg's Hotel, Utica. (Case No. 3601.)

Application of the Paul Smith's Electric Light and Power and Railroad Company for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, July 31, 1906, 2:30 p. m., at Bagg's Hotel, Utica. (Case No. 3605.)

Application of the Cooperstown and Mohawk Valley Railway Company (steam—third application) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, July 31, 1906, 2:30 p. m., at Bagg's Hotel, Utica. (Case No. 2500.)

Application of the Danbury and Port Chester Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Monday, July 16, 1906, 2-p. m., at the New York office of the Board, room 5096 Metropolitan building, 1 Madison avenue, New York city. (Case No. 3628.)

Application of the Brooklyn Heights Railroad Company, lessee of the Brooklyn Union Elevated Railroad, under section 34 of the Railroad Law, for consent to the discontinuance of its present stations on the Brighton Beach division at Avenue J and Avenue U, the stations to be moved to other points in the vicinity. Ordered hearing set for Tuesday, July 17, 1906, 10 a. m., at the New York office of the Board, room 5096 Metropolitan building, 1 Madison avenue, New York city. (Case No. 3613.)

Application of the Long Island Railroad Company, the New York, Brooklyn and Manhattan Beach Railway Company and the Canarsie Railroad Company, under section 80 of the Railroad Law, for consent to a contract between said companies for the use of their respective railroads. Ordered hearing set for Tuesday, July 17, 1906, 10 a. m., at the New York office of the Board,

room 5096 Metropolitan building, 1 Madison avenue, New York city. (Case No. 3621.)

Application of the New York City Railway Company for approval of plans for the West Twenty-third street terminal. Ordered that the electrical expert make a report in this matter. (Case No. 3649.)

A letter dated June 19, 1906, was received from the attorney of the Long Island Railroad Company to the effect that the certiorari proceeding in the matter of determination of this Board, under section 68 of the Railroad Law, dated November 30, 1904, as to the New York and Long Island Traction Company crossing the Long Island Railroad, has been discontinued. Ordered filed. (Case No. 3087.)

A copy of an order of the Appellate Division dismissing the writ of certiorari in the Ticonderoga Union Terminal, section 59, case was filed with the Board on June 28, 1906. (Case No. 3395.)

Reports.

In the matter of the recommendations of this Board, contained in a letter, dated June 2, 1906, to the Schoharie Valley Railway Company, growing out of a report of the inspector of his inspection of said company's railroad, letters dated June 4 and June 9, 1906, were received from the company, stating that the recommendations would be complied with. The superintendent of the grade crossing bureau is to make another inspection of this railroad. (No. 5, 1906.)

Report of the inspector dated June 15, 1906, of his inspection of the railroads operated by The Delaware and Hudson Company in this State. Ordered copy sent company with letter of recommendation as shown by office original letter on file. A letter on this subject dated June 25, 1906, was received from Commissioner Baker. Ordered referred to the inspector. (No. 6—1906.)

Report of the inspector dated June 2, 1906, of his inspection of the Central New England Railway in this State. A copy of this report was sent to the company with a letter of recommendation from the Board, dated June 11, 1906. A letter dated June 12, 1906, was received from the company as to the compliance with the recommendations. Ordered letter written company as shown by copy on file. (No. 4, 1906.)

In the matter of the determination of this Board, dated May 29, 1902, under section 68 of the Railroad Law, as to the Cortland County Traction Company's railroad crossing the Syracuse, Binghamton and New York Railroad in Elm street, Cortland, a letter dated June 29, 1906, was received from the company as to derailing switches and metal trough on its trolley wire at this crossing. Ordered letter written company as shown by copy on file. A report in this matter, dated June 14, 1906, was received from the inspector of grade crossings. Ordered filed. (Case No. 2677.)

A report dated June 12, 1906, was received from the inspector of grade crossings to the effect that the Hewlett station on the Long Island Railroad has not yet been moved, this Board having determined, under date of December 2, 1903, that it should be moved. Letter dated June 4, 1906, written the company on the subject. (Case No. 2584.)

In the matter of the determination of this Board under section 68 of the Railroad Law, dated June 3, 1902, as to the Brooklyn Heights Railroad crossing the Long Island Railroad, Bay Ridge branch, a report, dated June 7, 1906, was received from the inspector of grade crossings to the effect that this crossing has not been made, but that the Long Island Railroad is to be depressed at this point. Ordered filed. (Case No. 2264.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 18, 1906, as to the Kensington station of the Brooklyn Heights Railroad Company, a report, dated June 7, 1906, was received from the inspector of grade crossings. Ordered letter written the company as shown by copy on file. (Case No. 3533.)

In the matter of the report of the electrical expert, dated May 8, 1906, of a supplemental inspection of the Buffalo Southern Railway a report, dated

June 20, 1906, was received from him to the effect that the recommendations had been so far complied with that the track and roadbed are at present in safe condition for operation. Ordered filed. In the matter of the report of the electrical expert, dated May 15, 1906, as to crossings by the Buffalo, Gardenville and Ebenezzer Railway (now Buffalo Southern Railway) of steam railroads, a letter dated June 14, 1906, was received from the company as to installation of cut crossings of the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company). A report dated June 20, 1906, was received from the electrical expert as to the recommendations of the Board in relation to derails and copper troughs at these crossings not being complied with. Ordered letter written the company as shown by copy on file. (Case No. 2325.)

In the matter of the report of the inspector of grade crossings as to elevators at the One Hundred and Twenty-fifth street, Ninth avenue station of the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) in which this Board has made a recommendation, a letter was received from the company, dated June 8, 1906. Ordered filed and case referred to Commissioner Rockwell. (Case No. 3541.)

A report dated June 29, 1906, was received from the electrical expert as to compliance by the Staten Island Midland Railroad Company with recommendations of this Board. Ordered filed. (Case No. 3242.)

Report of the electrical expert dated June 5, 1906, as to rear-end collision between a train and a car of the Brooklyn Heights Railroad Company on the Sea Beach line, about half a mile west of Coney Island drawbridge May 19, 1906. Ordered copy sent company. (Street Case No. 20 — 1906.)

Report of the inspector of grade crossings, dated June 19, 1906, as to a head-on collision between eastbound passenger train No. 357 and westbound work train on the Long Island Railroad east of Manhasset station June 11, 1906. Ordered copy sent company. (Steam Case No. 36 — 1906.)

Report of the electrical expert, dated June 21, 1906, as to a car on the Niagara Gorge Railroad being struck by a westbound New York Central Railroad passenger train at the Second street, Niagara Falls, crossing, June 15, 1905. Ordered copy sent companies. (Street Case No. 51 — 1905.)

Report of the electrical expert, dated June 20, 1906, as to a head-on collision between passenger cars on the Walden division of the Orange County Traction Company's railroad May 30, 1906. Ordered copy sent company. (Street Case No. 29 — 1906.)

Report of the electrical expert, dated June 20, 1906, as to collision between cars on the Rochester and Eastern Rapid Railway in Canandaigua, June 11, 1906. Ordered copy sent company. (Street Case No. 23 — 1906.)

Report of the electrical expert, dated June 20, 1906, as to a car of the International Railway Company being struck by a New York Central and Hudson River Railroad engine at the Hertel avenue, Buffalo, crossing, May 30, 1906. Ordered copy sent company. (Street Case No. 21 — 1906.)

Report of the electrical expert, dated June 21, 1906, as to rear-end collision between cars on the Huntington Railroad May 2, 1906. Ordered copy sent company. (Street Case No. 19 — 1906.)

In the matter of the recommendations of this Board contained in a letter to the New York Central and Hudson River Railroad Company, dated May 3, 1906, as to that company installing an interlocking plant at its Rochester station, a letter dated June 9, 1906, was received from the company stating that the recommendation will be complied with. Ordered filed. (Steam Case No. 23 — 1906.)

A report dated June 4, 1906, was received from the electrical expert that the recommendation of the Board as to semaphore signals at Fifty-third street and Ninth avenue on the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company), has not been complied with. Ordered letter written company as shown by copy on file. (Street Case No. 28 — 1905.)

In the matter of the recommendations of this Board to the New York Central and Hudson River Railroad Company contained in a letter, dated

April 6, 1905, as to block signal system on the Schenectady detour, a letter, dated June 15, 1906, was received from the company. Ordered filed. (Steam Case No. 1 — 1905.)

In the matter of the recommendations of this Board contained in a letter, dated April 5, 1905, to the International Railway Company, as to an interlocking system at the Second street, Niagara Falls, grade crossing of said railway and the New York Central and Hudson River Railroad, growing out of a collision between a car of the street railway company and an engine of the steam railroad company, a letter, dated June 15, 1906, was received from the New York Central and Hudson River Railroad Company. Ordered letter written said company as shown by copy on file. (Street Case No. 52 — 1904.)

In the matter of a collision between cars on the Rochester and Eastern Rapid Railway, near Canandaigua, June 17 last (Padlefords), a letter dated June 23, 1906, was received from James S. Root of Rochester, and a report, dated June 29, 1906, from the electrical expert in relation to the statements in Mr. Root's letters, and were submitted to the Board. Ordered copy sent Mr. Root. The regular report of the electrical expert as to this accident has not yet been made. (Street Case No. 25 — 1906.)

Crossings.

Petition of the mayor and common council of the city of Hornellsville (now Hornell), under section 62 of the Railroad Law, as to changing the Canisteo street grade crossing of the Erie Railroad from grade to an undercrossing. Letter dated June 15, 1906, received from the mayor and president of the board of public works, and resolution passed June 14, 1906, approved by the mayor, received from the common council, asking that a further hearing in the matter of this petition be held. This case was closed on the minutes of February 5, 1903, the petitioner not having proceeded in the matter. Ordered re-opened on this date. Hearings in the matter of this petition were held in Hornellsville on September 3, 1901, and May 21, 1902. Report dated June 28, 1906, in this matter received from the superintendent of the grade crossing bureau. Ordered carried on file. (Grade Crossing Case No. 337.)

Application of the Genesee Valley Canal Railroad Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a single track branch or extension of its railroad shall cross two highways in the town of Wheatland, Monroe county. Ordered hearing set for Tuesday, July 24, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 599.)

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double-track branch railroad proposed to be constructed by the applicant shall cross certain highways in the town of West Seneca, Erie county. Ordered hearing set for Tuesday, July 24, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 601.)

In the matter of the determination of this Board, dated August 9, 1904, under section 62 of the Railroad Law, as to the closing and discontinuance of the Newburgh and Campbell Hall road highway grade crossing of the New York, Ontario and Western Railway, near its Rock Tavern station and the construction of a new piece of highway and an overhead bridge crossing of said railway nearby,—the report, dated May 4, 1906, of the superintendent of the grade crossing bureau as to the completed work, was again submitted to the Board, together with a letter from the company, dated June 5, 1906. Ordered letter written the company as to erection of additional railing on the west side of the easterly approach referred to in said report. (Grade Crossing Case No. 488.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River

Railroad to an undercrossing and the closing of the east end of Davis street except for foot-passengers,—a letter dated June 6, 1906, received from the company, accompanied by two blue print plans, and certified copy of a resolution of the common council of May 8, 1906, approved by the mayor, providing for the closing of Davis street from North Union street westerly, a distance of 397.22 feet, together with a report, dated June 26, 1906, of the superintendent of the grade crossing bureau, were submitted to the Board. Ordered said change of plan approved, no indorsement to be made on either of the plans. (Grade Crossing Case No. 416.)

A letter dated June 4, 1906, accompanied by a petition, was received from the Municipal Ownership League, Twentieth Assembly District, County of Kings, as to proposed crossing of the Long Island Railroad by Starr street between Irving and Wyckoff avenues, Brooklyn. Letter dated June 6, 1906, written George W. Ernst, secretary. Closed. (Grade Crossing Case No. 596.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing of the North Country road grade crossing of said company's railroad in the town of Islip, Suffolk county, situated at a point about 7,530 feet distant easterly from the Great River station on said company's railroad to an overcrossing, to be situated substantially in the same location as the present grade crossing. Ordered hearing set for the Oakdale station on said company's railroad on Wednesday, August 8, 1906, at 4:15 p. m. (Grade Crossing Case No. 597.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Old Pond road grade crossing of its railroad in the town of Islip, Suffolk county, situated at a point about 8,660 feet distant easterly from the Great River station on said company's railroad, and the construction of a new piece of highway north of the railroad extending from the Old Pond road to the South Country road, it being proposed in another petition (Grade Crossing Case No. 597) that the South Country road crossing of said railroad be changed to an overcrossing. Ordered hearing set for the Oakdale station on said company's railroad on Wednesday, August 8, 1906, at 4:15 p. m. (Grade Crossing Case No. 598.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated May 2, 1906, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in the village of Westfield, Chautauqua county, to an overcrossing,—a letter dated June 6, 1906, was received from the company as to the use of an old span for this bridge. Letters on this subject dated June 13 and June 20, 1906, were received from the president of the village, the president's letter also stating that two sidewalks should be provided on whatever bridge is built. A report dated June 25, 1906, in relation to these letters was received from the superintendent of the grade crossing bureau. Ordered that the company be notified that a new bridge must be provided rather than an old span, and ordered that the village be notified that but one sidewalk will be provided on the bridge. (Grade Crossing Case No. 565.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of three grade crossings of the New York, Ontario and Western Railway near Crystal Run station on said railway in the town of Wallkill, Orange county, and the construction of new pieces of highway and one overhead bridge crossing of said railway,—proposals of contractors for the bridge were submitted to the Board by the company in a letter dated June 14, 1906, together with a report dated June 25, 1906, thereon from the superintendent of the grade crossing bureau. Ordered approved the proposal of the Baltimore Bridge Company, namely, .0308 cents per pound, f. o. b. cars on New York, Ontario and Western Railway. The estimated weight of the structure is 60,000 pounds. The bridge is to be erected by the company. (Grade Crossing Case No. 459.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street,

Niagara Falls, grade crossing of the Erie Railroad to an undercrossing, a tracing cloth plan and specifications for the work were submitted to the Board by the company in a letter dated June 18, 1906, together with a report dated June 25, 1906, from the superintendent of the grade crossing bureau. Ordered approved said tracing cloth plan and specifications. (Grade Crossing Case No. 501.)

In the matter of the determination of this Board, under section 62 of the of the Railroad Law, dated August 24, 1905, as to changing the Pine street. Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, specifications for the superstructure were submitted to the Board by the Erie Railroad Company in a letter dated June 12, 1906, together with a report thereon dated June 26, 1906, from the superintendent of the grade crossing bureau. Ordered approved said specifications for the superstructure. (Grade Crossing Case No. 293.)

A letter dated June 18, 1906, was received from the inspector of grade crossings as to additional tracks on the Lake Shore and Michigan Southern Railway. Ordered filed. (Case No. 2888.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 24, 1906, as to changing a grade crossing of the Delaware, Lackawanna and Western Railroad by a highway at Vestal, Broome county, to an undercrossing, notice of appeal on the part of Jacob B. Crane, a property owner, was served on the Board June 21 and turned over to the Attorney-General. (Grade Crossing Case No. 585.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated March 6, 1906, as to the closing and discontinuance of a grade crossing of the Central New England Railway near its Pleasant Valley station, a report dated June 5, 1906, was received from the inspector of grade crossings that this change has not yet been made. Ordered letter written the company as shown by copy on file. (Grade Crossing Case No. 557.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of two grade crossings of the New York, Ontario and Western Railway near its Stoney Ford station and the construction of a new piece of highway and an overhead crossing of said railway located between the two grade crossings, reports dated June 8 and 17, 1906, were received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 442.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 24, 1906, as to changing a grade crossing of the Delaware, Lackawanna and Western Railroad in the town of Vestal, Broome County, to an undercrossing, a report dated June 16, 1906, was received from the inspector of grade crossings that the work has not been commenced. Ordered filed. In this matter an appeal has been taken to the courts. (Grade Crossing Case No. 585.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated May 9, 1906, as to changing a grade crossing of the Highland division of the New York, New Haven and Hartford Railroad, first grade crossing west of bridge over Croton river near its Brewster station, to an undercrossing, a report dated June 6, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 556.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 11, 1905, as to changing the Caskey's grade crossing of the Erie Railroad in the town of Deepark, Orange county, at Sparrowbush, to an undercrossing, a report dated June 13, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 19, 1906, as to the closing and discontinuance of

the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad in the village of Homer and the construction of new pieces of highway and an overhead crossing of said railroad, a report dated June 14, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 543.)

A letter dated June 23, 1906, was written the Attorney-General as to opening default of judgment obtained against the City Island Railroad Company for not filing reports here. (Case No. 3388.)

The Board took a recess until 2:30 p. m.

AFTER RECESS — 2:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Carthage and Copenhagen Railroad Company (steam) for a certificate under section 59 of the Railroad Law. W. B. Van Allen for the applicant; Harris & Rudd for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was closed. (Case No. 3583.)

Petition of the town board of the town of Greenfield, Saratoga county, under section 62 of the Railroad Law, as to changing a grade crossing of the Adirondack Railway (owned and operated by The Delaware and Hudson Company) in said town by a highway leading from Porter's Corners to Griffin Center and Saratoga Springs at a point called Kings, to an under-crossing. W. W. Smith for the petitioner; L. E. Carr for The Delaware and Hudson Company, in opposition to the scheme proposed. After hearing arguments the hearing was adjourned to a date to be thereafter fixed. There is to be a conference at the point in question between a representative of the railroad company, representatives of the petitioners and the superintendent of the grade crossing bureau in this department, as to the best method of eliminating this grade crossing. (Grade Crossing Case No. 595.)

Application of the Albany and Hudson Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the flag-stop station on its railroad at a point called Rosecrans and for consent to the discontinuance of the flag-stop station on its railroad at a point called Merchants. G. H. Bakeslee, general manager, and John P. Maloney, train-master, for the applicant; Rollin B. Sanford for residents near the Merchants station, in opposition and also in opposition to the discontinuance of the Rosecrans station: W. B. Rosecrans for Mrs. Rosecrans, at Rosecrans station, in opposition. After hearing evidence and arguments the hearing was closed. (Case No. 3594.)

Application of the Syracuse, Lake Shore and Northern Railroad Company for consent to the issue of a first mortgage for two million five hundred crans station, in opposition. After hearing evidence and arguments the hearing arguments the hearing was closed. (Case No. 3623.)

The Board took a vote, by ballot, on the appointment of an inspector of locomotive boilers: Mr. Garland P. Robinson received three votes and Mr. G. C. Wehling received two votes. Mr. Robinson was declared appointed inspector of locomotive boilers.

Orders.

Application of the Carthage and Copenhagen Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3583.)

Bills Approved.

The following bills were approved:

General Expenses.

Frank M. Baker (expenses).....	\$310 00
C. R. Barnes (expenses).....	92 63
Karl F. Colson (expenses).....	35 00
A. H. Clapp.....	439 51
Great Bear Spring Co.....	3 60
J. B. Lyon Co.....	10 00
C. E. Argersinger (P. O. box rent).....	4 00
"Klips"—E. C. Cuyler, Sec.....	25 00
Smith Premier Typewriter Co.....	4 30
American Express Co.....	177 25
National Express Co.....	165 19
John R. McClellan.....	19 25
F. D. Sargent.....	24 00
Samson & Murdock Co.....	4 00
J. S. Kennedy (expenses).....	20 00
H. C. Keyes (expenses, New York city office).....	9 50
John Wanamaker (expenses, New York city office).....	30 32
Great Bear Spring Co. (expenses, New York city office).....	2 50
George Read (expenses, New York city office).....	13 50
New York Telephone Co. (expenses, New York city office).....	18 90
Western Electric Co. (expenses, New York city office).....	90 00
Western Union Telegraph Co.....	3 82
Postal Telegraph Cable Co.....	8 45
Hudson River Telephone Co.....	40 72
Albert L. Judson (expenses).....	20 00
Wm. McNeilly (postage stamps).....	100 00

\$1,671 44

The Board adjourned.

SENNETT, JULY 5, 1906.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad (Auburn branch) by a highway known as Grant avenue in the town of Sennett, Cayuga county, the travel to be diverted therefrom by the construction of a new piece of highway to the existing overhead bridge crossing of said railroad by Phelps highway. Harris & Harris (Mr. Beach appearing) for the petitioner; Richard C. S. Drummond for the town board of the town of Sennett and for property owners, in opposition; F. E. Stork for the Nelson Peardsley estate; Frank J. Riley, highway commissioner and property owner, Peter Riley, C. D. Phelps, Charles Phelps, property owners, and Thomas A. Wilcox, supervisor of the town, appeared in person. After hearing evidence and arguments, the hearing was adjourned until Saturday, July 21, 1906, 11 a. m., at the Osburn House, Auburn, before Commissioner Baker. (Grade Crossing Case No. 516.)

CORNING, JULY 10, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Rochester, Scottsville and Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. Lewis & McKay (Mr. Lewis appearing) for the applicant; G. N. Orcutt for the Erie Railroad Company, in opposition; John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company, in opposition. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed by this Board. (Case No. 3532.)

Adjourned hearing in the matter of the petition of the Delaware, Lackawanna and Western Railroad Company, lessee of the New York, Lackawanna and Western Railroad, under section 62 of the Railroad Law, as to changing the Fourteenth street grade crossing of the New York, Lackawanna and Western Railroad to an undercrossing, the closing and discontinuance of the Hawley street grade crossing of said railroad and the grade crossing of said railroad next north of the Hawby street grade crossing, and a grade crossing of said railroad at Eleventh street, and the Grand Central avenue grade crossing of said railroad, and the extension of Grand Central avenue on the Easterly side of said railroad to Sheridan avenue, all in the village of Elmira Heights. Frederick Collin for the petitioner; George McCann for the village of Elmira Heights. After hearing arguments and it appearing that the company and the village had not agreed as to what action to ask the Board to take in this petition the hearing was adjourned to a date to be thereafter fixed. (Grade Crossing Case No. 384.)

Adjourned hearing in the matter of the application of the West Side Railroad Company of Elmira (leased to and operated by the Elmira Water, Light and Railroad Company), under section 68 of the Railroad Law, as to crossing the Delaware, Lackawanna and Western Railroad at Fourteenth street in the village of Elmira Heights. Frederick Collin for the applicant; George McCann for the village of Elmira Heights. Without the hearing of arguments or taking of evidence the hearing was adjourned to a date to be thereafter fixed pending the disposition of Grade Crossing Case No. 384. (Case No. 2587.)

The last hearing in Grade Crossing Case No. 384 and in Case No. 2587 was in Elmira Heights on September 9, 1902.

Complaints.

Business Men's Association of the City of Corning against the Erie Railroad Company, asking that a new passenger station be erected at that point. Ordered copy sent company. (Case No. 3645.)

Bills Approved.

The following bills were approved:

General Expenses.

Metropolitan Life Insurance Company (New York office)	\$177 15
J. E. Brazee (expenses)	67 65
	<hr/>
	\$244 80
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The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Rochester and Elmira Electric Railway Company (street surface) for a certificate under section 59 of the Railroad Law. William A. Sutherland, Stephen A. McIntire and Edwin E. Shutt for the applicant; G. N. Orcutt and C. D. Newton for the Erie Railroad Company, in opposition; Alex. Falck for the Delaware Lackawana and Western Railroad Company, in opposition; W. J. Tully for the Corning and Painted Post Street Railway Company, in opposition to that portion of the proposed route of the applicant south of Bath, and for the Elmira, Corning and Waverly Railway, in opposition; Herendeen & Mandeville (Mr. Herendeen appearing) for the Elmira Water, Light and Railroad Company, in opposition; the Kanona and Prattsburgh Railway Company, by a letter dated May 10, 1906, from D. C. Klinck, secretary, in opposition; Harris & Harris for the New York Central and Hudson River Railroad Company; W. H. Welch and Walter Blythe Thomson for the Northern Central Railroad; Heminway & Hausner (Mr. Heminway appearing) for the village of Painted Post; Francis C. Williams for the city of Corning; Richard T. Dana for the Dansville and Mount Morris Railroad Company, in opposition. After hearing evidence and arguments the hearing was adjourned until Wednesday, September 19, 1906, 10 a. m., at the Court House, Rochester. (Case No. 3563.)

The Board adjourned.

GOSHEN, JULY 12, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its double track railroad shall cross streets, avenues and highways in Orange county. G. F. Brownell and George N. Orcutt for the applicant; William B. Royce for the county of Orange and for the town of Wallkill, Orange county; F. M. Williams for the State Engineer and Surveyor; Charles A. Evans, David W. Shaw and John J. Crane also representing the town of Wallkill and representing the highway commissioners of said town; W. L. Dickerson, attorney, and George W. Crist, supervisor, for the town of Hamptonburg; Roderick Robertson, attorney, and Charles Loomis, supervisor, for the town of Mount Hope; A. H. F. Seeger, attorney, and Walter Denniston, supervisor, for the town of New Windsor; C. E. & S. M. Cuddeback (C. E. Cuddeback appearing) for the highway commissioners of the town of Deerpark; H. W. Chadeayne for the town of Cornwall; Alex. Thompson for the town of Woodbury. After hearing evidence and arguments a recess in this matter was taken until 1:30 p. m. (Grade Crossing Case No. 600.)

Petition of the town board of the town of Warwick, Orange county, under section 62 of the Railroad Law, as to an alteration in the manner in which a highway known as the New Milford highway crosses the railroad of the Lehigh and Hudson River Railway Company at two points in said town about three hundred feet apart, said two crossings which are now at grade being — one by the highway leading from G. D. Ryerson's to New Milford Bridge, and one by the highway leading from Warwick to New Milford Bridge (the highways being called in both instances the New Milford highway), it being proposed by the petition that said two grade crossings shall be closed and discontinued and the travel thereon be diverted therefrom by the construction of a new piece of highway and an overhead bridge crossing of said railroad, said over-

head bridge crossing to also cross the Waywanda creek. L. J. Stage for the petitioners; John J. Beattie for the Lehigh and Hudson River Railway Company; M. M. Kane for George R. Compton and James McCann. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed by this Board. (Grade Crossing Case No. 474.)

The Board took a recess until 1:30 p. m.

AFTER RECESS — 1:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, and Rockwell.

Hearings.

The hearing in the application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the evidence was closed but the matter was held open. Mr. Dickerson is to file a plan for one of the crossings and Mr. Robertson is to file a plan as to two crossings. Crossings Nos. B1, B2, B3 and B4 are in the town of Wallkill instead of in the town of Mount Hope as stated in the public notice of hearing and in the petition. A statement to this effect was made by the applicant at the hearing and no objection to the mistake was raised by those who appeared. Mr. Orcutt and Mr. Robertson are to file briefs on the question of the power of the Board to change location of highways. (Grade Crossing Case No. 600.)

The Board adjourned.

BUFFALO, JULY 14, 1906.

Hearings.

Investigation by Commissioner Baker (by delegation of the Board) as to a head-on collision on the Lockport and Olcott branch of the International Railway at a siding east of Martinsville where a passenger train ran into a freight train on a siding. After hearing evidence and arguments a recess was taken until 1:30 p. m. (Street case No. 37 — 1906.)

AFTER RECESS — 1:30 P. M.

Hearings.

The investigation by Commissioner Baker (by delegation of the Board) of the above named accident was resumed. After hearing evidence and arguments further the hearing was closed. Commissioner Baker and the electrical expert of the Board inspected the locality where the accident occurred. (Street case No. 37 — 1906.)

NEW YORK, JULY 16, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

President of the Borough of Brooklyn, New York city, against the Brooklyn Heights Railroad Company, the Brooklyn, Queens County and Suburban Railroad Company, the Nassau Electric Railroad Company and the Coney Island and Brooklyn Railroad Company as to ten cent fare charged to Coney Island. Stephen C. Baldwin for complainant; William F. Sheehan for the Brooklyn Heights Railroad Company, the Brooklyn, Queens County and Subur-

ban Railroad Company, and the Nassau Electric Railroad Company; William J. Carr for the Coney Island and Brooklyn Railroad Company; Otto G. Foelker for himself. After hearing arguments the hearing was closed unless the Board re-opens it itself. Briefs may be submitted within ten days from this date. (Case No. 3622.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Danbury and Port Chester Railroad Company (steam) for a certificate under section 59 of the Railroad Law. William Greenough for the applicant; James E. Walsh for the Danbury and Harlem Traction Company. After hearing evidence and arguments the hearing was closed. (Case No. 3626.)

Joseph Beihlf against the Interborough Rapid Transit Company, in which matter this Board recommended to the company, under date of April 10, 1906, that it construct a station on its Manhattan Railway line northbound track at Eighth avenue and One Hundred and Thirtieth street. W. F. Reeves, representing the company; Mr. Beihlf and J. C. Bernstein appeared in favor of the construction of the station. This hearing was on the question why the company has not complied with the recommendation that a station be constructed. The company stated that it has let a contract for the construction of the station; the Board directed that the company file with it a copy of the plan and a copy of the contract; which were subsequently filed with the Board. Under the contract the station is to be completed by October 29, 1906. The hearing was closed. (Case No. 3439.)

Complaints.

William B. Young for a client, Miss Catherine Stephens of Piermont, against the Erie Railroad Company as to the physical condition of the old Nyack and Northern Railroad, now the property of the Nyack and Southern Railroad Company (operated by the Erie Railroad Company). Copy sent company. A report dated July 14, 1906, was received from the superintendent of the grade crossing bureau. Ordered copy sent company with a letter of recommendation as shown by office original letter on file. (Case No. 3641.)

John R. Zwicky and others of Staten Island against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Letter dated July 6, 1906, received from complainant. Letters dated July 9, 1906, received from the Richmond Light and Railroad Company and the Staten Island Midland Railroad Company. Ordered filed. Letter dated July 11, 1906, received from the Staten Island Rapid Transit Railway Company. Ordered filed. (Case No. 3457.)

In the matter of the complaint of the Business Men's Association of the city of Corning against the Erie Railroad Company, asking that a new passenger station be erected at that point, it was ordered that the company be written asking it to submit plans at once, if such plans are prepared, for a new station, and stating that from the Board's examination of the present station it believes that a new one should be constructed at as early a date as practicable. (Case No. 3645.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of the East Fourth and Schuyler streets grade crossings of the New York,

Ontario and Western Railway and the railroad operated by the New York Central and Hudson River Railroad Company in the city of Oswego, the construction of a new piece of street from East Fourth to Schuyler street and the construction of an undercrossing of said railroad at East Seventh street at the intersection of Schuyler street, proposals of contractors for the bridge to carry the railroads at East Seventh and Schuyler streets were submitted to the Board by the company in a letter dated the 13th inst. together with a report thereon dated the 14th inst. from the superintendent of the grade crossing bureau. Ordered approved the bid of the Baltimore Bridge Company, namely, 2.39 cents per pound, f. o. b. cars, New York, Ontario and Western Railway. The estimated weight of the bridge being 280,000 pounds. (Grade Crossing Case No. 527.)

Orders.

Application of the Danbury and Port Chester Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3626.)

John R. Zwicky of Staten Island against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Recommendations made to the companies as shown by office original recommendations on file. (Case No. 3457.)

Application of the Albany and Hudson Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the flag-stop station on its railroad at a point called Rosecrans, and for consent to the discontinuance of the flag-stop station on its railroad at a point called Merchants. Denied. (Case No. 3594.)

The Board adjourned.

NEW YORK, JULY 17, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Long Island Railroad Company, the New York, Brooklyn and Manhattan Beach Railway Company and the Canarsie Railroad Company, under section 80 of the Railroad Law, for consent to a contract between said companies for the use of a portion of their respective rights of way from New Lots road to a point about 200 feet north of Pitkin avenue, Brooklyn. John L. Wells for the applicant; W. N. Selisberg also for The Long Island Railroad Company. After hearing arguments the hearing was closed. (Case No. 3621.)

Application of the Brooklyn Heights Railroad Company, lessee of the Brooklyn Union Elevated Railroad, under section 34 of the Railroad Law, for consent to the discontinuance of its present stations on the Brighton Beach division at avenue J and avenue U, the stations to be moved to other points in the vicinity. The company at this hearing withdrew its application as to avenue J. E. W. Winter, president of the company, and John L. Wells for the applicant; L. J. DuMahant, Robert Cunningham, James Wilson, John S. Moriarty, John J. Hyland, R. J. Warner, Bert Hunt, George F. Costello, John H. Hanning (property owners) appeared in person, in opposition; Edwin S. Piper for the Flatbush Board of Trade and residents of Manhattan terrace, in opposition; F. J. Cowden for property owners, in opposition. After hearing arguments the hearing was closed. (Case No. 3613.)

Application of Matthew G. Bailey, James Tonking and Nathan H. Hart as to a railroad track to connect quarries with the Pochuck Railroad in Orange county, crossing highways at three points in said county. Joseph D. and Percy V. D. Gott for the applicants. After hearing evidence and arguments the hearing was closed.

MINUTES OF THE BOARD.

Complaints.

F. J. Lang against the Brooklyn Heights Railroad Company as to operation of trains on the Brooklyn bridge and as to operation of trains on the Lexington avenue elevated line of said company. Copy sent company. Report dated July 12, 1906, received from the electrical expert. Ordered filed. Supplemental report of the same date received from the electrical expert. Ordered copy of supplemental report sent company with letter of recommendation as shown by office original on file. (Case No. 3535.)

Reports.

A report dated July 16, 1906, was received from the electrical expert in relation to accidents on railroads operated by the Brooklyn Heights Railroad Company. Ordered filed. (Street Case No. 41 — 1906.)

Orders.

Application of Matthew G. Bailey, James Tonking and Nathan H. Hart to a railroad track to connect quarries with the Pochuck Railroad in Orange county, crossing highways at three points in said county. Determination as shown by office original determination on file that the crossings shall be made at grade. (Case Crossing Case No. 616.)

The Board adjourned.

AUBURN, JULY 21, 1906.

Hearings.

Adjourned hearing before Commissioner Baker (by delegation of the Board) in the matter of the petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad (Auburn branch) by a highway known as Grant avenue in the town of Sennett, Cayuga county, the travel thereon to be diverted therefrom by the construction of a new piece of highway to the existing overhead bridge crossing of said railroad by Phelps Highway. Harris & Harris (Mr. Beach appearing) for the applicant; R. C. S. Drummond and N. L. Drummond for the town board of the town of Sennett and for property owners, in opposition. Thomas A. Wilcox, supervisor of the town, also appeared in opposition. After hearing evidence and arguments the evidence was closed, but the matter was held open. The town stated that it would make a petition to the Board under section 62 of the Railroad Law asking that the Grant avenue crossing be changed from a grade crossing to an overhead bridge crossing in the line of the present highway, and for the closing and discontinuance of the Phelps overcrossing, and the diversion of the travel to the proposed Grant avenue overcrossing by the construction of a new piece of highway; the reason for the closing of the Phelps overcrossing being that the grade to the bridge is prohibitive to heavy traffic. (Grade Crossing Case No. 516.)

BUFFALO, JULY 24, 1906.

The Board met pursuant to adjournment. Present, Commissioners Duna, Dickey and Rockwell.

Hearings.

The hearing in the application of the Buffalo and Rochester Traction Company (street surface) for a certificate under section 59 of the Railroad Law

which was to have been held to-day was postponed by consent of Mr. Bissell for the applicant, and Pooley & Spratt for the New York Central and Hudson River Railroad Company, in opposition (who are the only appearances in opposition), to a date to be thereafter fixed. (Case No. 3448.)

Application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double track branch railroad proposed to be constructed by the applicant shall cross certain highways in the town of West Seneca, Erie county. Frank Rumsey for the applicant; John W. Fisher for the town of West Seneca. After hearing arguments the hearing was adjourned until Wednesday, August 1, 1906, 2 p. m., at the office of the Board in the Capitol, Albany. No evidence was presented at this hearing. (Grade Crossing Case No. 601.)

Application of the Genesee Valley Canal Railroad Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a single track branch or extension of its railroad shall cross two highways in the town of Wheatland, Monroe county. Frank Rumsey for the applicant; Walter Cox, highway commissioner of the town of Wheatland, appeared in favor of the application; David C. Salyerd appeared for the Rochester, Scottsville & Caledonia Electric Railroad Company, in opposition. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 599.)

The Board adjourned.

BUFFALO, JULY 25, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Dunkirk Street Railway Company for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Mr. Hatch and Mr. Cole appearing) and Nellany & Georgi (Mr. Nellany appearing) for the applicant; Evan Hollister for the New York, Chicago and St. Louis Railroad; Thomas D. Powell, attorney, and H. M. North, assistant engineer of construction, for the Lake Shore and Michigan Southern Railway Company and for the Dunkirk, Allegheny Valley and Pittsburgh Railroad Company, in opposition; Jerome B. Fisher for the Erie Railroad Company. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3580.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

The hearing in the application of the Dunkirk Street Railway Company for a certificate under section 59 of the railroad law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned to a date to be thereafter fixed by the Board. The applicant closed its case except proof as to the *bona fides* of the enterprise and the ability of the projectors to construct the proposed railroad. (Case No. 3580.)

Applications.

In the matter of the application of the Syracuse, Lake Shore and Northern Railroad Company for consent to the issue of a first mortgage for two million five hundred thousand dollars (\$2,500,000), William Nottingham, attorney for the applicant, filed with the Board a letter dated 24th inst. together with

an agreement of the applicant that if this application is granted it will not issue more than one million four hundred and fifty thousand dollars of the bonds without another application to and consent of this Board to further issue of bonds under this mortgage. (Case No. 3623.)

Orders.

Application of the Syracuse, Lake Shore and Northern Railroad Company for consent to the issue of a first mortgage for two million five hundred thousand dollars (\$1,450,000) bonds shall be issued under said mortgage under mination on file, on condition that but one million four hundred and fifty thousand dollars (\$1,450,000) bonds shall be issued under said mortgage under this consent and on condition that before the remaining one million and fifty thousand dollars (\$1,050,000) bonds or any part thereof under said mortgage shall be issued application shall be made to this Board and consent granted by this Board to the issue of said remaining one million and fifty thousand dollars (\$1,050,000) bonds or any part thereof under said mortgage. (Case No. 3623.)

The Board adjourned.

ALBANY, JULY 30, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell. The minutes of July 2, 5, 10, 12, 14, 16, 17, 21, 24 and 25 were read and approved.

Complaints.

John P. Kelley of Old Chatham against the Rutland Railroad Company as to its fence along his farm. Copy sent company. (Case No. 3666.)

Residents of South Gilboa against the Ulster and Delaware Railroad Company as to construction of a station building and side tracks on that company's railroad at South Gilboa. Letter dated July 17, 1906, received from Company. Copy sent complainant. Letter dated July 19, 1906, received from complainant. Report dated July 12, 1906, received from the inspector of grade crossings. Ordered filed. (Case No. 3604.)

A. B. Jennings of Williams Bridge, against the Union Railway Company as to operation of its railway in the White Plains road between West Farms and Williams Bridge, New York city. Letter dated July 23, 1906, received from the company, stating that the recommendation of the Board would be complied with. Copy sent complainant. Closed. (Case No. 3600.)

George E. Spring, attorney the Gowanda State Homeopathic Hospital, against the Erie Railroad Company as to the station of said company at Collins, Erie county. Letter dated July 21, 1906, received from the company. Copy sent complainant. Report dated June 25, 1906, received from the inspector of grade crossings. Ordered filed. (Case No. 3609.)

H. P. Russell of Pine Hill, against the National Express Company as to rates on small packages and failure to deliver such packages from the company's office to the residence or business place of the consignee. Letters dated July 17 received from complainant. These letters were not acknowledged. Ordered filed. This case was closed on the minutes of July 2, 1906, and is not re-opened. (Case No. 3584.)

J. Bijur against the Long Island Railroad Company as to cars used in its electric service between Brooklyn and Cedarhurst. Copy sent company. (Case No. 3664.)

J. J. Halpin of North Stephentown, against the Rutland Railroad Company as to fence of the company along his farm. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3663.)

A. J. Throop of Port Gibson, against the Rochester, Syracuse and Eastern Railroad Company as to passenger fare to and from Port Gibson, and as to failure to stop at two points. Copy sent company. Answer of company received. Copy sent complainant. Letters dated July 25 and July 27, 1906, received from company. Letter dated July 26, 1906, received from complainant. Letter dated July 28, 1906, written complainant. Closed. (Case No. 3656.)

Cebra Quackenbush of Hoosick, against the Rutland Railroad Company as to weeds on its right of way adjoining his farm. Copy sent company. Answer of company received. Copy sent complainant. Letter dated July 27, 1906, received from company, stating that the weeds had been cut. Copy sent complainant. Closed. (Case No. 3631.)

Frank J. Lang against the Brooklyn Heights Railroad Company as to operation of trains on the Brooklyn bridge, and as to operation of trains on the Lexington avenue elevated line of said company. Letter dated July 25, 1906, received from company, stating that the recommendation of the Board would be complied with. Copy sent complainant. (Case No. 3635.)

Ridgewood Board of Trade, Brooklyn, against The New York Connecting Railroad Company as to crossing by a railroad track of said company of Starr street, Brooklyn. Copy sent company. (Case No. 3662.)

W. C. Coleman against the Long Island Railroad Company as to delivery of freight at its Setauket station. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3599.)

H. Barnum of Binghamton, against the Delaware, Lackawanna and Western Railroad Company and the New York Central and Hudson River Railroad Company as to non-connection of passenger trains at Syracuse. Copy sent companies. Answers of companies received. Copies sent complainant. Closed. (Case No. 3638.)

In the matter of the complaint of the president and trustees of the village of Falconer against the Erie Railroad Company and the Lake Shore and Michigan Southern Railway Company as to station at that point, a letter dated June 30, 1906, was received from the Erie Railroad Company stating that the new station building would be opened for the public on the 13th instant. Letter dated July 26, 1906, received from the Lake Shore and Michigan Southern Railway Company on the same subject. Ordered filed. Closed. (Case No. 2896.)

J. F. Lines against the Rochester, Syracuse and Eastern Railroad Company as to passenger fare to and from Port Gibson. Copy sent company. Closed. This matter is involved with the A. J. Throop complaint. (Case No. 3661.)

S. A. Saunders against the New York City Railway Company as to cars being delayed at base ball ground at One Hundred and Sixty-eighth street. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3659.)

William B. Young, for a client, Miss Catherine Stephens of Piermont, against the Erie Railroad Company as to the physical condition of the Old Nyack and Northern Railroad, now the property of the Nyack and Southern Railroad Company (operated by the Erie Railroad Company). In this matter the recommendations of the Board have been made to the company. Answer of company received. Copy sent complainant. Reply of complainant received. Letters dated July 15, July 20 and July 28, 1906, received from complainant. Ordered filed. A letter in this matter, dated July 24, 1906, was received from George A. Le Fevre. The superintendent of the grade crossing bureau is to make another report in this matter. Ordered filed. (Case No. 3641.)

E. C. Bridgman against the Staten Island Rapid Transit Railway Company as to ringing of bells, blowing of whistles and blowing off of steam and smoke, of locomotives. Copy sent company. Answer of company received. Copy sent complainant, with copy of letter of this Board to the company of the 25th instant. (Case No. 3653.)

John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Letter

dated July 20, 1906, received from Mr. Zwicky; letter dated July 27, 1906, received from the Richmond Light and Railroad Company; letter dated July 24, 1906, received from the Staten Island Rapid Transit Railway Company; report dated July 27, 1906, received from the inspector of grade crossings; all in relation to compliance with the recommendations of this Board of the 16th instant. Ordered filed. (Case No. 3457.)

W. C. Gallagher of Slaterville Springs, against the Delaware, Lackawanna and Western Railroad Company in relation to a bridge which the company is replacing over a highway at Wilseyville. Copy sent company. Answer of company received. Copy sent complainant. Report dated July 24, 1906, received from the inspector of grade crossings. Ordered copy sent complainant. Letter dated July 25, 1906, received from complainant. Ordered filed. (Case No. 3658.)

H. P. Quick against the Brooklyn Heights Railroad Company as to lighting of cars of said Company (Brighton Beach line) when in underground crossings of streets between Beverly row and Park place; as to the lighting of such underground passages; and as to giving passengers check for second fare. Letter dated July 24, 1906, received from the company stating that the recommendations of the Board as to the lighting of underground passages would be complied with. Ordered filed. (Case No. 3611.)

Business Mens' Association of the city of Corning, against the Erie Railroad Company asking that a new passenger station be erected at that point. Letter dated July 21, 1906, received from the company. Copy sent to complainants. (Case No. 3645.)

Winthrop & Stimson for a client, Winthrop Chandler, against the Erie Railroad Company as to barbed wire fence of that company along Mr. Chandler's farm. Copy sent company. Letter dated July 20, 1906, received from company. Copy sent complainants. Ordered letter written company as shown by copy of letter on file. (Case No. 3655.)

S. L. Merrill of Carthage, against the New York Central and Hudson River Railroad Company as to delays in shipments of freight from Theresa to Carthage and from Albany to Carthage. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Copy of reply sent company. (Case No. 3647.)

F. W. Allen against the Long Island Railroad Company as to excess passenger fare charged between Flatbush avenue, Brooklyn, and Jamaica, and in relation to local and express trains not being indicated as such at Jamaica. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered filed. (Case No. 3650.)

T. J. Johnston against the Brooklyn Heights Railroad Company as to service rendered the public. The electrical expert has been instructed to make a report in this matter. A copy of the complaint was not sent the company. (Case No. 3657.)

The Board adjourned.

UTICA, JULY 31, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Adirondack and St. Lawrence Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Underwood, Van Vorst & Hoyt (Charles A. Greene appearing) for the applicant; G. T. Chaney for the highway commissioners of the towns of Hermon and DeKalb, in favor of the application; Lewis, Watkins & Titus (Mr. Titus appearing) for the New York Central and Hudson River Railroad Company, not in opposition. After hearing evidence and arguments the hearing was closed. (Case No. 3601.)

Application of the Paul Smith's Electric Light and Power and Railroad Company for a certificate under section 59 of the Railroad Law. Badger & Cantwell (John M. Cantwell appearing) for the applicant; Lewis, Watkins and Titus (Mr. Titus appearing) for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was closed. (Case No. 3605.)

Application of the Cooperstown and Mohawk Valley Railway Company (steam—third application) for a certificate under section 59 of the Railroad Law. Tilley Blakely and Henry L. Beach for the applicant; Lynn J. Arnold for the property owners, in opposition; Henry W. Bean for the Oneonta and Mohawk Valley Railway Company; Lewis, Watkins and Titus (Mr. Titus appearing) for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. (Case No. 2500.)

Orders.

Application of the Adirondack and St. Lawrence Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3601.)

The Board adjourned.

ALBANY, AUGUST 1, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Complaints.

James Ackroyd & Sons against the Delaware and Hudson Company and the New York Central and Hudson River Railroad Company as to charge made by the first named company for switching a car from its railroad to the second named company's railroad and as to charge made by the second named company for switching the same car from Albany to Rensselaer. Copies sent companies. (Case No. 3644.)

S. W. Turner against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to the One Hundred and Sixteenth street and Eighth avenue station on said railway. Letter dated July 21, 1906, received from complainant. Letter written the electrical expert dated July 25, 1906, as shown by copy on file, for a further report. This case was last closed on the minutes of July 2, 1906, and is now again re-opened. (Case No. 3275.)

Citizens' Union of the city of New York, against the New York City Railway Company as to condition of cars on its Twenty-eighth and Twenty-ninth streets line and on the Belt line. Letter dated July 18, 1906, received from the company stating that the recommendations of the Board have been complied with. Copy sent complainant. Letter dated July 21, 1906, received from complainant. Closed. (Case No. 3612.)

R. E. Grinstead against the Lake Shore and Michigan Southern Railway Company and the New York Central and Hudson River Railroad Company as to shipment of horses to complainant at Sackets Harbor. Copy sent companies. Letter dated July 11, 1906, received from companies. Copy sent complainant. (Case No. 3642.)

William Marshall of Salt Point, against the Central New England Railway Company as to the condition of its fence along his farm. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3648.)

M. Wade Lansing of West Albany against the Schenectady Railway Company as to passenger fares. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3654.)

Edgar Cary of Richfield Springs, against the Oneonta and Mohawk Valley Railroad Company as to the stringing of guard wires under the high potential wires of said company in said village. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3851.)

W. St. J. Comstock against the New York, New Haven and Hartford Railroad Company as to passenger train service at New Rochelle. Answer of company received. Copy sent complainant. Reply of complainant to answer of company received. Closed. (Case No. 3618.)

L. R. Scott of Bridgewater, against the Delaware, Lackawanna and Western Railroad Company as to non-connection of a passenger train on said company's railroad with a passenger train on the Unadilla Valley Railway at Bridgewater. Copy sent company. (Case No. 3660.)

F. W. Gardner against the Boston and Maine Railroad as to weeds on the right of way of said railroad along complainant's farm at Petersburg Junction. Answer of company received, stating that the weeds have been cut. Copy sent complainant. Closed. (Case No. 3625.)

Charles J. Austin against the New York City Railway Company as to operation of its cars between the corner of Thirty-fourth street and Tenth avenue and the North river. Letters dated July 24 and 26, 1906, received from complainant. Ordered that the electrical expert make a further report in this matter. This case was closed on the minutes of June 4, and is now re-opened. (Case No. 3567.)

J. T. Perkins Company against the Brooklyn Heights Railroad Company as to service rendered the public on its Green Point line. Copy sent company. Answer of company received. Copy sent complainants. Reply of complainants received. The electrical expert has been instructed to make a report in this matter. (Case No. 3646.)

F. W. Gardner against the Rutland Railroad Company as to the condition of its fence along his farm at Petersburg Junction. Letter dated July 10, 1906, received from complainant, stating that the cause of complaint had not been removed, and complaining as to weeds on the right of way of said company along complainant's farm not being cut. Letter dated July 10, 1906, written company. Ordered another letter written company, as shown by copy on file. (Case No. 3624.)

Caleb Bentley against the Rutland Railroad Company, asking for a farm-crossing of said railroad adjoining his farm. Letter dated July 9, 1906, received from complainant. Letter of same date written company. Closed. (Case No. 3436.)

H. A. Lewis against the Rutland Railroad Company as to condition of its fence along his farm near Petersburg Junction, and as to weeds growing on its right of way along his farm. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered letter written company, as shown by copy on file. (Case No. 3636.)

Henry W. Helfer against the Union Railway Company as to operation of cars on the Central Bridge and Jerome avenue lines, New York city. Copy sent company. Answer of company received. Copy sent complainant. Letter dated July 13, 1906, received from complainant. Ordered filed. This matter has been referred to Commissioner Rockwell. (Case No. 3630.)

Louis H. Gein against the Union Railway Company as to its tracks not being laid on its route from Van Cortlandt, or Two Hundred and Forty-second street, to Kings Bridge, New York city. Further report, dated July 27, 1906, together with copies of correspondence, received from Commissioners Baker and Rockwell. Letter dated July 10, 1906, received from complainant. Copy sent Commissioners Baker and Rockwell. Letter dated July 31, 1906, received from complainant. Matter of said letter referred to Commissioners Baker and Rockwell. This case was closed on the minutes of July 2, 1906, and is now re-opened. (Case No. 3581.)

Olive R. Hand of Lebanon Springs, against the Rutland Railroad Company as to the condition of the fence of said company along her farm. Letter dated July 9, 1906, received from company, stating that the fence has been built. Ordered filed. Closed. (Case No. 3598.)

Olin J. Stephens, president the North Side Board of Trade, and William Stonebridge, Borough of the Bronx, New York city, against the Union Railway Company. A letter dated July 6, 1906, was received from Mr. Stonebridge, as to non-operation by the Union Railway Company of cars on its King Bridge line between 12:45 a. m. and 6 a. m. Ordered referred to Commissioners Baker and Rockwell. (Case No. 3615.)

W. H. Nearpass against the Milford, Matamoras and New York Railroad Company as to a bridge of that company lying in the river at Port Jervis. Letter dated July 18, 1906, received from complainant and report dated July 3, 1906, received from the inspector of grade crossings. Ordered filed. (Case No. 3562.)

J. Wadsworth Norton against the Brooklyn Heights Railroad Company in relation to speed of trains through New Utrecht avenue, Brooklyn. Letter dated July 5, 1906, received from William W. N. Smith. Ordered filed. Ordered letter written company, as shown by office original letter on file. (Case No. 3597.)

President of the Borough of Brooklyn, New York city, against the Brooklyn Heights Railroad Company, the Brooklyn, Queens County and Suburban Railroad Company, the Nassau Electric Railroad Company and the Coney Island and Brooklyn Railroad Company as to ten-cent fare charged to Coney Island. Brief of the Brooklyn Heights Railroad Company, Brooklyn, Queens County and Suburban Railroad Company and the Nassau Electric Railroad Company, accompanied by affidavit of C. D. Meneely, sworn to July 25, 1906, received. Brief of complainant, accompanied by affidavit of Henry B. Brownell, sworn to July 16, 1906, received. Ordered filed. Ordered letter written W. F. Sheehan, attorney for all the companies except the Coney Island and Brooklyn as shown by office original on file. (Case No. 3622.)

In the matter of the complaint of Irving H. Loughran and others against the Orange County Traction Company, in which this Board made recommendations, dated May 14, 1906, and in which the matter of failure of the company to comply with some of the recommendations has been turned over to the Attorney-General—the secretary informed the Board that the application for a writ of mandamus has been signed and the matter presented to the court. (Case No. 3571.)

In the matter of the recommendations of this Board, dated January 23, 1906, to the Albany and Hudson Railroad Company, in the complaint of E. A. Bedell against said company, a letter dated July 5, 1906, was received from the company as to compliance with the recommendation relative to providing additional cars. Ordered letter written Mr. Blakelee of the company, as shown by copy on file. (Case No. 3402.)

In the matter of investigation by this Board of service rendered the public by the Interurban Street Railway Company (now New York City Railway Company) and the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company), a letter dated July 13, 1906, was received from Adolph Block, representing the House and Real Estate Owners' Association of the Twelfth and Nineteenth Wards, as to change of motive power on the First avenue line of the New York City Railway to underground electricity, particularly between Fifty-ninth street and the Harlem River. Letter written company, as shown by copy on file. Ordered further letter written company. (Case No. 2804.)

A letter dated July 21, 1906, was received from George H. Fisher as to street surface railroad companies in Brooklyn, changing routes of their car lines. Ordered filed with inquiries.

John Allaire against the Brooklyn Heights Railroad Company as to said company not running cars in the morning and evening from Thirty-ninth street ferry to Ulmer Park. Answer of company received to the effect that the cause of complaint had been removed. Copy sent complainant. Letter dated July 21, 1906, received from complainant. Closed. (Case No. 3620.)

J. J. Upham of Black Creek, Allegany county, against the Pennsylvania Railroad Company as to its not maintaining an agent at its station at Black Creek. Copy sent company. Answer of company received. Copy sent com-

plainant. Reply of complainant received. Ordered filed. Closed. (Case No. 3637.)

F. J. Lang against the Brooklyn Heights Railroad Company as to operation of trains on the Brooklyn Bridge and as to operation of trains on the Lexington avenue elevated line of said company. Letter dated July 25, 1906, received from company stating that the recommendation of the Board would be complied with. Letter dated July 31, 1906, received from complainant to the effect that the recommendation had been complied with. Closed. (Case No. 3635.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Letter dated July 5, 1906, received from the company as to compliance with the recommendation of the Board contained in a letter to the company, dated July 3, 1906. Supplementary report dated July 12, 1906, received from the electrical expert. Ordered filed. Letter dated July 7, 1906, received from complainant. Ordered filed. In this matter F. L. Fuller, vice-president and general manager of the company, who was appearing before the Board in another matter to-day, was heard and he agreed to run double-header cars on this line during the rush hours of the day, which the electrical expert of this Board is to report upon. (Case No. 3222.)

A. J. Throop of Port Gibson, against the Rochester, Syracuse and Eastern Railroad Company as to passenger fare to and from Port Gibson and as to failure to stop at two points. Letter dated July 30, 1906, received from company. Ordered filed. This case was closed on the minutes of July 30, 1906, and is not re-opened. (Case No. 3656.)

Applications.

Application of the Chautauqua Traction Company (street surface), under section 68 of the Railroad Law, as to its railroad crossing the Jamestown, Chautauqua and Lake Erie Railway (steam) in an existing undercrossing in Factory street in the village of Westfield. Ordered that the electrical expert make a report in this matter. (Case No. 3668.)

Application of the New York City Railway Company for approval of plan for the West Twenty-third street terminal. Report, dated July 12, 1906, received from the electrical expert. Ordered filed. (Case No. 3649.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the Water Works passenger station on the Belt line railroad of said company in Buffalo. Ordered that Commissioners Baker and Rockwell hold a hearing in this matter at the Hotel Iroquois in Buffalo, on Thursday, August 23, 1906, 10 o'clock a. m. (Case No. 3640.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the Manlius Center freight station on the West Shore Railroad, its lessor — it being proposed that the freight business now handled at this station shall be handled at Minoa, on the New York Central and Hudson River Railroad. Ordered that Commissioners Baker and Rockwell hold a hearing in this matter at the Yates House in Syracuse, on Friday, August 24, 1906, 10 o'clock a. m. (Case No. 3643.)

Application of the New York, Ontario and Western Railway Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of the Lehigh Valley Railroad and the New York, Ontario and Western Railway at Fish Creek, and consent to the discontinuance of the full stop and crossing on signal of trains at this point. Report dated July 18, 1906, of the superintendent of the grade crossing bureau received. Ordered filed. (Case No. 3632.)

Application of the Rochester, Syracuse and Eastern Railroad Company (street surface), under section 68 of the Railroad Law, as to its railroad crossing the New York Central and Hudson River Railroad (steam) in the

village of Savannah. Report of the inspector of grade crossings, dated July, 1906, received. Ordered filed. Ordered that the electrical expert make a report in this matter. (Case No. 3633.)

Application of the Rochester, Syracuse and Eastern Railroad Company (street surface), under section 68 of the Railroad Law, as to its railroad crossing the West Shore Railroad (steam—leased to and operated by the New York Central and Hudson River Railroad Company) in the village of Savannah. Report of the inspector of grade crossings, dated July, 1906, received. Ordered filed. Ordered that the electrical expert make a report in this matter. (Case No. 3634.)

In the matter of the determination of this Board, under section 34 of the Railroad Law, dated December 2, 1903, as to the moving of the Hewlett station on the Long Island Railroad, letters dated July 2 and July 14, 1906, were received from the company, stating that steps are being taken to move this station—a new station to be erected. Ordered filed. (Case No. 2584.)

In the matter of the determination of this Board, dated December 13, 1905, denying the application of the Ticonderoga Union Terminal Railroad Company for a certificate under section 59 of the Railroad Law, a request was received from the directors of the company, asking the Board to certify a copy of all maps and papers on file in its office and of the findings of the Board in this matter, which maps and papers are to be presented to the Appellate Division, Third Department. Said maps and papers were so certified. Previously a writ of certiorari obtained by the applicant had been served on the Board in this matter and the return made, the writ being dismissed by the court. (Case No. 3395.)

In the matter of the determination of this Board, dated January 23, 1906, approving a petition to the Supreme Court by the Union Traction Company for leave to change its name to the Batavia, Medina and Ontario Railway Company, a certified copy of the order of the court consenting to such change and proof of publication of such order were filed with the Board by the company. Ordered filed. (Case No. 3468.)

Application of the Delaware and Southern Railroad Company (steam and electric) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Tuesday, September 4, 1906, 10 a. m., at the Hotel Loomis in the village of Deposit. (Case No. 3667.)

In the matter of the application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing, the Buffalo, Rochester and Pittsburgh Railway in the town of Great Valley, Cattaraugus county, in an existing undercrossing, and as to its railway crossing the Buffalo, Rochester and Pittsburgh Railway in the village of Salamanca, the proposed crossing in Salamanca being of a switch, an undated letter and letters dated July 9 and July 16, 1906, were received from the company, together with the original consent of the commissioner of highways of the town of Great Valley to the use of the undercrossing which is constructed, and a blueprint plan, bearing the approval of Charles W. Terry, president of the village of Salamanca, so far as the plan affects that village, and bearing the approval of John S. Rockwell, attorney the Buffalo, Rochester and Pittsburgh Railway Company, were submitted to the Board. Ordered filed. (Case No. 3522.)

Application of the Rochester Railway Company for approval of derailing switches, to be installed in its railroad at a point where said railroad crosses at grade the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company), on Plymouth avenue, Rochester, and for approval of derailing switches, at a point where its railroad crosses at grade the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company), on St. Paul street, near Seneca Park entrance in Rochester. Ordered referred to the electrical expert for a report. (Case No. 3665.)

Application of the Buffalo and Lackawanna Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3639.)

Reports.

Reports dated June 25 and July 20, 1906, were received from the inspector of grade crossings as to the physical condition of the Buffalo Southern Railway and crossings of said railway (formerly the Buffalo, Gardenville and Ebenezer Railway), and the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company). Ordered filed. Letters dated July 2 and August 2, 1906, were received from the Buffalo Southern Railway Company as to these crossings. Ordered that the electrical expert call upon the superintendent of the Pennsylvania Railroad Company at Buffalo and the general manager of the Buffalo Southern Railway Company as to the installation of cut crossings at the points in question, and report. (Case No. 2325.)

In the matter of the recommendations of this Board to the Syracuse Rapid Transit Railway Company, a letter dated July 23, 1906, was received from the company as to compliance therewith. Closed. (Case No. 2548.)

In the matter of the recommendations of this Board as to derailing switches in the railroad of the Wallkill Transit Company (formerly Middletown-Goshen Electric Railway Company—street surface), at a grade crossing by said company's railroad of the Erie Railroad in North street, Middletown, a report dated July 8, 1906, was received from the inspector of grade crossings to the effect that these derailing switches have not yet been installed. Ordered letter written the Wallkill Transit Company as shown by copy on file. (Case No. 3340.)

In the matter of the recommendations of this Board contained in a letter dated July 11, 1906, growing out of a report of the inspector of his inspection of the Central New England Railway in this State, a letter dated July 26, 1906, was received from the company as to compliance with the recommendations. Ordered letter written company as shown by copy on file. (No. 4—1906.)

A report dated July 21, 1906, was received from the inspector in relation to statements in a letter dated June 25, 1906, from Commissioner Baker as to inspection of The Delaware and Hudson Company's railroads in this State. Ordered filed. (No. 6—1906.)

Report of the inspector dated July 6, 1906, of his inspection of the railroads operated by the New York, Ontario and Western Railway in this State. Ordered copy sent company with a letter of recommendation as shown by office original letter on file. (No. 7—1906.)

Report of the inspector dated July 10, 1906, of his inspection of the Cranberry Lake Railroad. Ordered copy sent company with a letter of recommendation as shown by office original letter on file. (No. 8—1906.)

Report of the inspector dated July 21, 1906, of his re-inspection of the Little Falls and Dolgeville Railroad. Ordered copy sent company. (No. 10—1906.)

Report of the inspector dated July 21, 1906, of his inspection of the railroads operated by the Delaware, Lackawanna and Western Railroad Company in this State, including the Syracuse, Binghamton and New York Railroad. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 9—1906.)

In the matter of recommendations of this Board to the Fonda, Johnstown and Gloversville Railroad Company, dated October 27, 1904, as to the installation of derailing switches at points where the steam and electric divisions of this railroad cross at grade, letters dated July 6 and 25, 1906, were received from the company stating that some of the switches had been installed and others would be. Ordered filed. (Case No. 3215.)

Report of the superintendent of the grade crossing bureau dated July 31, 1906, as to derailment of a Fonda, Johnstown and Gloversville Railroad electric car at a switch on the Mohawk river bridge near Schenectady, which bridge, and presumably the main tracks and switch, are owned by the Schenectady Railway Company. Ordered copy sent Schenectady Railway Company, with a letter of recommendation as shown by office original letter on file. (Steam Case No. 48—1906.)

Report of the electrical expert dated July 12, 1906, as to a rear-end collision between cars on the Niagara Gorge Railroad, August 23, 1905, near the Second street steam railroad crossing, Niagara Falls. Ordered copy sent company. (Street Case No. 22 — 1906.)

Report of the inspector dated July 21, 1906, as to derailment of a passenger train on the Utica division of the Delaware, Lackawanna and Western Railroad at Chadwicks, June 30, 1906. Ordered copy sent company. (Steam Case No. 39 — 1906.)

Report of the inspector dated June 23, 1906, as to a head-on collision between a regular westbound freight train and an extra eastbound freight train, near Union Square on the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad, May 27, 1906. Ordered copy sent company, the company being asked to inform the Board in relation to the use of the "31" order. (Steam Case No. 33 — 1906.)

Report of the inspector dated June 27, 1906, as to a collision between a Delaware, Lackawanna and Western Railroad Company freight train and New York Central and Hudson River Railroad Company engine at the Smith street, Buffalo, grade crossing of the Delaware, Lackawanna and Western Railroad, the Buffalo Creek Railroad, the New York, Chicago and St. Louis Railroad and the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company). Ordered copy sent Delaware, Lackawanna and Western Railroad Company and the New York Central and Hudson River Railroad Company. (Steam Case No. 32 — 1906.)

Report of the inspector dated June 23, 1906, as to a rear collision between passenger trains on the Staten Island Rapid Transit Railway at Stapleton, June 10, 1906. Ordered copy sent company. (Steam Case No. 35 — 1906.)

Report of the inspector dated June 23, 1906, as to a collision between a locomotive without cars and a yard engine which was pushing a caboose on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) near Ravena, May 19, 1906. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Steam Case No. 30 — 1906.)

Report of the inspector dated July 10, 1906, as to derailment of passenger train on the Lake Shore and Michigan Southern Railway near West Seneca, June 17, 1906. Ordered copy sent company. (Steam Case No. 37 — 1906.)

Report of the electrical expert dated July 12, 1906, as to a collision between passenger cars on the Rochester and Eastern Rapid Railway near Canandaigua, June 17, 1906 (Padelfords). Ordered copy sent company. (Street Case No. 25 — 1906.)

In the matter of the recommendation of this Board to the New York Central and Hudson River Railroad Company contained in a letter dated April 6, 1906, as to the block signal system on the Schenectady detour, a report dated June 27, 1906, was received from the inspector. Ordered filed. (Steam Case No. 1 — 1905.)

Report of the electrical expert dated July 12, 1906, as to a car of the Syracuse Rapid Transit Railway striking a freight car on the Syracuse, Binghamton and New York Railroad at South Salina street grade crossing of said railroads in Syracuse. A copy of this report with a letter dated July 21, 1906, was sent to the company. The company answered in relation to the questions in said letter. (See in these minutes, under Reports, case No. 2548). Ordered filed. (Street Case No. 18 — 1906.)

In the matter of the recommendations of this Board contained in a letter dated April 5, 1905, to the International Railway Company as to interlocking system at the Second street, Niagara Falls, grade crossing of said railroad and the New York Central and Hudson River Railroad, growing out of a collision between a car of the street railway company and an engine of the steam railroad company, a letter dated July 24, 1906, was received from the New York Central and Hudson River Railroad Company stating that the matter of the interlocking system is being considered and that the company will communicate with the Board in a short time. (Street Case No. 52 — 1904.)

In the matter of the recommendations of this Board to the New York Central and Hudson River Railroad Company contained in a letter dated January 18, 1905, as to the installation of an interlocking plant at the Syracuse station, a report dated June 27, 1906, was received from the inspector stating that an interlocking plant is being installed. Ordered filed. This recommendation grew out of an accident at said station December 21, 1904. (Steam Case No. 64—1904.)

Crossings.

Petition of the town board of the town of Sennett, Cayuga county, under section 62 of the Railroad Law, as to changing the Grant avenue grade crossing of the Auburn branch of the New York Central and Hudson River Railroad in said town to an overcrossing and the construction of a new piece of highway from Grant avenue to Phelps highway and the closing and discontinuance of the Phelps highway existing overcrossing of said railroad (the reason for this closing of the Phelps overcrossing being that the grade of the approach is prohibitive to heavy traffic). Ordered hearing set before Commissioner Baker in Auburn on a date to be thereafter fixed. (Grade Crossing Case No. 620.)

In the petition of the village of Livonia, under section 62 of the Railroad Law, as to crossings of the Erie Railroad in said village, waivers of notice of hearing of property owners were received in a letter dated July 6, 1906, from S. E. Hitchcock. Ordered filed and further hearing in this matter to be held by Commissioner Baker at Livonia. (Grade Crossing Case No. 469.)

A letter dated June 12, 1906, was received from the Long Island Railroad Company asking leave to withdraw its petitions under section 62 of the Railroad Law as to grade crossings by streets, avenues and highways of its railroad, in some of which there have been hearings, the cases in this office being numbered: 155, 211, 222, 229, 230, 234, 235, 237, 238, 243, 244, 248, 258, 259, 391, 392, 406, 583. Such leave was granted and these cases were ordered marked "withdrawn" on the grade crossing registers in this office.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 14, 1905, as to the closing and discontinuance of two grade crossings of the New York, Ontario and Western Railway near its Stony Ford station and the construction of new pieces of highway and an overhead bridge crossing of said railway located about midway between the two, a report dated June 23, 1906, was received from the superintendent of the grade crossing bureau as to the completed work. Ordered completed work approved. (Grade Crossing Case No. 442.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated May 9, 1906, as to changing a grade crossing of the Highland division of the New York, New Haven and Hartford Railroad having been the first grade crossing of said railroad west of the bridge over the Croton river in the town of Southeast, Putnam county, to an undercrossing, a report dated July 16, 1906, was received from the inspector of grade crossings as to the completed work indorsed with the recommendation of the superintendent of the grade crossing bureau that the work be approved. Ordered completed work approved. (Grade Crossing Case No. 556.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination dated December 21, 1904, as to the closing and discontinuance of two grade crossings of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at points known as Cady's crossings in the town of Chatham, Columbia county, and the construction of an undercrossing of said railroad at one and the construction of a new piece of highway from the other to the undercrossing, a report dated July 10, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 494.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to the Delaware and Eastern Railroad crossing streets, avenues and highways in the county of Delaware,

a report dated July 13, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 574.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated March 6, 1906, as to a double track branch of the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company) crossing above grade streets, avenues and highways in the town of West Seneca, Erie county, a report dated June 25, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 587.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated March 6, 1906, as to the Lehigh and Lake Erie Railroad crossing streets, avenues and highways in the towns of Cheektowaga and West Seneca, Erie county, a report dated June 26, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 586.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated August 10, 1904, and modified and supplemental determination dated June 28, 1905, as to the Buffalo and Susquehanna Railroad crossing streets, avenues and highways in Erie county, a report dated June 26, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 478.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated August 17, 1900, as to the Lockport and Olcott Railway (now International Railway) crossing streets, avenues and highways in the towns of Lockport and Newfane, Erie county, a report dated June 27, 1906, was received from the inspector of grade crossings as to crossing bells at these crossings. Ordered filed. (Grade Crossing Case No. 267.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 25, 1904, as to changing the Chautauqua road or Valley street (or Lake road) grade crossing of the Pennsylvania Railroad in Mayville to an overcrossing, a report dated June 29, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 491.)

Petition of the New York Central and Hudson River Railroad Company (lessee of the Rome, Watertown and Ogdensburg Railroad), under section 62 of the Railroad Law as to the closing and discontinuance of the Tyrrell road highway grade crossing of the Rome, Watertown and Ogdensburg Railroad in the village and town of Wolcott, and the construction of a new piece of highway from said first-named highway to the Eastport Bay Creek road highway, which also crosses said railroad at grade. Ordered hearing set for Rochester, Wednesday, September 19, 1906, 12 m., at the courthouse. (Grade Crossing Case No. 609.)

Petition of the New York Central and Hudson River Railroad Company (lessee of the Syracuse, Geneva and Corning Railway), under section 62 of the Railroad Law as to the closing and discontinuance of the Moreland road highway grade crossing of the Syracuse, Geneva and Corning Railway in the town of Dix, Schuyler county, said crossing being locally known as Beer's crossing, and the construction of a new piece of highway and a new crossing at grade in said town just north of Beaver Dams station on said railway. Ordered hearing set for Friday, August 24, 1906, at the Jefferson House in Watkins, the hearing to be held by Commissioners Baker and Rockwell. (Grade Crossing Case No. 610.)

In the matter of the petition under section 62 of the Railroad Law of the New York Central and Hudson River Railroad Company and the mayor and common council of the city of Mount Vernon (joined) as to the abolition of grade crossings of the New York and Harlem Railroad, lessor of the New York Central and Hudson River Railroad Company, in said city, and as to the abolition of the South or Mechanic street grade crossing of said railroad in New York city. A letter without date was received on July 13, 1906, from William Archer, chairman of the committee on railroads and bridges

of the city of Mount Vernon. Ordered filed. (Grade Crossing Case No. 545.)

Petition of the mayor and common council of the city of Rochester under section 62 of the Railroad Law as to changing the Culver road grade crossing of the New York Central and Hudson River Railroad in said city to an undercrossing. Ordered hearing set for Rochester, Wednesday, September 19, 1906, at 12:30 p. m. at the courthouse. (Grade Crossing Case No. 611.)

In the matter of the petition of the president and trustees of the village of Livonia under section 62 of the Railroad Law as to grade crossings of the Erie Railroad in said village in which a hearing was held by Commissioner Baker of this Board on June 27 last, a letter dated July 6, 1906, was received from S. E. Hitchcock accompanied by waivers of notice of hearing from property owners. Ordered further hearing in this matter set for Saturday, August 18, 1906, 9 a. m., at the Commercial Hotel in Livonia, before Commissioner Baker. (Grade Crossing Case No. 469.)

Petition of the Erie Railroad Company, under section 62 of the Railroad Law, as to changing a grade crossing of its railroad in the village of Wellsburg by the main highway between said village and the hamlet of Lowman at a point known as the River bridge crossing to an overcrossing of said railroad, one of the approaches to the proposed overcrossing to be partly in the town of Ashland, Chemung county. Ordered hearing set for Friday, August 17, 1906, 10 a. m., at the Exchange hotel in the village of Wellsburg before Commissioners Dunn and Baker. (Grade Crossing Case No. 618.)

In the matter of the petition of the town board of the town of Greenfield, Saratoga county, under section 62 of the Railroad Law, as to changing a grade crossing of the Adirondack Railway (owned and operated by the Delaware and Hudson Company) in said town by a highway leading from Porters Corners to Griffin Center at a point called Kings, to an undercrossing. A report dated July 10, 1906, was received from the superintendent of grade crossing bureau as to the results of a conference at the point in question between himself, a representative of the railroad company and representatives of the petitioners. Ordered letters written The Delaware and Hudson Company, as shown by copy of letter on file, asking them what they propose to do in the matter. (Grade Crossing Case No. 595.)

In the matter of the determination of this Board under section 62 of the Railroad Law, dated August 23, 1904, as to changing the Broadway grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad at Van Cortland, New York city, to an undercrossing. An accounting and settlement of the cost of this work between the city of New York and the New York Central and Hudson River Railroad Company was submitted to the Board, together with a report thereon dated July 17, 1906, from the superintendent of grade crossing bureau. Ordered that the State's proportion of the cost under said accounting and settlement, namely nine thousand seven hundred and twenty dollars and fifty-one cents (\$9,720.51) be paid to the New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 503.)

In the matter of the determination of this Board under section 62 of the Railroad Law, dated April 15, 1902, as to changing highways and crossings of the New York Central and Hudson River Railroad, the West Shore Railroad, its lessor, and the Oswego and Syracuse Railroad (leased to and operated by the Delaware, Lackawanna and Western Railroad Company) in the town of Geddes, Onondaga county, and a determination as to division of expense between the railroad companies, dated January 12, 1905, and supplemental determination as to division of expense, dated October 11, 1905, letters dated June 28th, and July 3, 1906, were received from the New York Central and Hudson River Railroad Company as to the accounting and settlement accompanied by a copy of a letter dated June 26, 1906, from W. S. Jenney, general attorney of the Delaware, Lackawanna and Western Railroad Company. Ordered letter written the New York Central Railroad Company as shown by copy on file. (Grade Crossing Case No. 174.)

In the matter of the petition of the town board of the town of Bethlehem, Albany county, under section 62 of the Railroad Law, as to changing the

Rockefeller road highway grade crossing of the railroad operated by The Delaware and Hudson Company near Normansville in said town to an overcrossing, it being proposed that the overcrossing shall be over a cut in the railroad, the highway to be diverted; a plan for this work was submitted to the Board by the company, which plan bears the approval of the town board and the company. An estimate for the work amounting to seven thousand four hundred and ninety-seven dollars and sixty cents (\$7,497.60) was also submitted to the Board by the company. Ordered filed. The superintendent of the grade crossing bureau made a report dated July 23, 1906, as to this plan and estimate. In this matter the hearing was held November 9, 1905, and the evidence closed, but the matter was held open. (Grade Crossing Case No. 505.)

In the matter of the petition of the New York Central and Hudson River Railroad Company under section 62 of the Railroad Law, as to the closing and discontinuance of the Pondfield road grade crossing of the New York and Harlem Railroad, its lessor, in the village of Bronxville, and the construction of an overcrossing of said railroad, and an undercrossing of said railroad for pedestrians only, a letter dated July 18, 1906, was received from Frank R. Chambers and others, a committee, accompanied by copies of correspondence. Ordered filed. (Grade Crossing Case No. 549.)

In the matter of the petition of the New York Central and Hudson River Railroad Company and the mayor and common council of the city of Yonkers (joined) under section 62 of the Railroad Law, as to the elimination of grade crossings of said company's railroad in Yonkers, a letter dated June 30, 1906, was received from the mayor of Yonkers. Ordered filed. (Grade Crossing Case No. 533.)

In the matter of the determination of this Board under section 60 of the Railroad Law as to a second track of the Highland division of the New York, New Haven and Hartford Railroad crossing streets, avenues and highways between Hopewell Junction and the boundary line between the States of New York and Connecticut, a letter dated July 3, 1906, was received from the attorney of the company accompanied by two blue-print plans one for the masonry of the Stormville undercrossing and one for the masonry of the Peck's undercrossing. These plans were returned to the attorney with a letter stating that the statute does not require that they should be submitted here. (Grade Crossing Case No. 559.)

In the matter of the determination of this Board under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street, Niagara Falls, grade crossing of the Erie Railroad to an undercrossing, an estimate of the cost of the work amounting to twenty-six thousand seven hundred and fifteen dollars and seventeen cents (\$26,715.17) was submitted to the Board by the company, together with a report thereon dated July 31, 1906, from the superintendent of the grade crossing bureau. Ordered said estimate approved. (Grade Crossing Case No. 501.)

In the matter of the petition of the mayor and common council of the city of Troy, under section 62 of the Railroad Law, as to the construction of an overhead bridge for pedestrians across the Boston and Maine Railroad at Middleburgh street in said city, a report dated May 23, 1906, was received from the superintendent of the grade crossing bureau as to the city now desiring a subway for pedestrians instead of an overhead crossing for pedestrians. Ordered carried on file. (Grade Crossing Case No. 590.)

Application of the Carthage and Copenhagen Railroad Company, under section 60 of the Railroad Law, as to its single track railroad crossing streets, avenues and highways in the village of West Carthage, Jefferson county, and in the town of Denmark, Lewis county. Ordered hearing set for Tuesday, September 11, 1906, at 10 a. m. at the office of the Board in Albany. (Grade Crossing Case No. 617.)

Hearings.

In the matter of the application of the New York and Queens County Railway Company for consent of this Board to the issuance of a first and refund-

ing mortgage for ten million dollars (\$10,000,000), F. L. Fuller, vice-president and general manager of the company, and Strong & Cadwalader, attorneys (Hugh A. Bayne appearing), appeared before the Board (Mr. Fuller having been requested to appear) in relation to improvements to be made in this company's railway and equipment if this application is granted. After hearing arguments the Board directed the company to file with the Board a certified resolution of its executive committee or board of directors setting forth what improvements are to be made, the company having a copy of a report dated July 11, 1906, of the electrical expert as to improvements which should be made. (Case No. 3590.)

The adjourned hearing in the application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double track branch railroad proposed to be constructed by the applicant shall cross certain highways in the town of West Seneca, Erie county, which was to have been held to-day, did not take place, but was postponed until Tuesday, August 28, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Grade Crossing Case No. 601.)

Orders.

Application of the New York City Railway Company for approval of plan for the West Twenty-third street terminal, New York city. Ordered approved. (Case No. 3649.)

Application of the New York, Ontario and Western Railway Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of the Lehigh Valley Railroad and the New York, Ontario and Western Railway at Fish Creek, and consent to the discontinuance of the full stop and crossing on signal of trains at this point. Ordered said switch and signal apparatus approved, and that the full stop and crossing on signal may be discontinued after its installation and operation. (Case No. 3632.)

Application of the Long Island Railroad Company, the New York, Brooklyn and Manhattan Beach Railway Company and the Canarsie Railroad Company, under section 80 of the Railroad Law, for consent to a contract between said companies for the use of a portion of their respective rights of way from New Lots road to a point about 200 feet north of Pitkin avenue, Brooklyn. Ordered said consent granted. (Case No. 3621.)

Application of the Brooklyn Heights Railroad Company, lessee of the Brooklyn Union Elevated Railroad, under section 34 of the Railroad Law, for consent to the discontinuance of its present stations on the Brighton Beach division at Avenue J and Avenue U, the stations to be removed to other points in the vicinity. Since the application was made the company has withdrawn the application as to Avenue J. Denied. (Case No. 3613.)

Application of the Olean Street Railway Company, under section 68 of the Railroad Law, as to its railway crossing the Buffalo, Rochester and Pittsburgh Railway in the town of Great Valley, Cattaraugus county, in an existing undercrossing, and as to its railway crossing the Buffalo, Rochester and Pittsburgh Railway in the village of Salamanca, the proposed crossing in Salamanca being of a switch. Determination, as shown by office original determination on file, that the crossing in the town of Great Valley shall be in the existing undercrossing, and that the crossing of the switch in Salamanca shall be at grade. (Case No. 3522.)

Application of the Paul Smith's Electric Light and Power and Railroad Company for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3605.)

Application of the Genesee Valley Canal Railroad Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a single track branch or extension of its railroad shall cross two highways in the town of Wheatland,

Monroe county. Determination, as shown by office original determination on file, that such crossings shall be made at grade. (Grade Crossing Case No. 599.)

Petition of the town board of the town of Bethlehem, Albany county, under section 62 of the Railroad Law, as to changing the Rockefeller road highway grade crossing of the railroad operated by The Delaware and Hudson Company near Normansville in said town to an overcrossing. Determination, as shown by office original determination on file, that the crossing shall be changed to an overcrossing. (Grade Crossing Case No. 505.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street grade crossing of the New York Central and Hudson River Railroad in Rochester to an undercrossing, a letter dated June 29, 1906, was received from the company as to the progress of the work. Ordered filed. (Grade Crossing Case No. 416.)

Bills Approved.

The following bills were approved:

General Expenses.

C. R. Barnes (expenses)	\$102 32
H. C. Keyes (expenses)	12 00
J. D. Shultz (expenses, June)	36 00
G. P. Robinson (expenses)	12 69
A. H. Sutermeister (expenses)	30 65
J. S. Kennedy (expenses)	14 29
Karl F. Colson (expenses)	52 00
John T. Kane (stenographic services)	30 00
Sampson & Murdock Co.	16 00
Western Union Telegraph Co.	2 78
Postal Telegraph Cable Co.	8 46
Brandow Printing Co.	373 36
American Express Co.	19 43
National Express Co.	30 42
The Smith-Premier Typewriter Co.	49 00
George W. Benham, agent and warden	4 50
Remington Typewriter Co.	3 36
H. Dayton Ball	43 40
Great Bear Spring Co.	3 60
Phillip J. Henzel	20 64
Hudson Valley Paper Co.	34 75
Matthew Bender & Co.	7 00
Western Union Telegraph Co., New York	4 97
New York Telephone Co., New York	36 53
Walter S. Lewis, New York	5 00
Hudson River Telephone Co.	29 47
"Klips," E. C. Cuyler, secretary-treasurer	25 00
C. J. Norton (postage stamps)	50 00

\$1,066 62

The Board adjourned.

GREENVALE STATION, LONG ISLAND RAILROAD, AUGUST 7, 1906, 10:30 A. M.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by the Glen Cove Back road highway in the town of Oyster Bay, Nassau county, at a point about 2,450 feet easterly from the Greenvale station on said railroad, the travel thereon to be diverted therefrom by the construction of new pieces of highway on the easterly and westerly sides of the railroad to an undercrossing of said railroad which the petition asks shall be constructed at a point not far north of the present grade crossing. J. R. Savage, chief engineer, and C. L. Addison, assistant to the president, for the petitioner. William H. Jones, supervisor; Walter Franklin, justice of the peace; James H. Cox, justice of the peace; Charles P. Budill, justice of the peace; Augustus T. Rensen, justice of the peace; Edward M. Underhill, highway commissioner; Frederick W. Hawx, highway commissioner; William A. Fingen, highway commissioner; Frank McQueen, town clerk; and George B. Stoddard, counsel for the town board of the town of Oyster Bay, in favor of eliminating two crossings under an alternative plan which was produced at this hearing. Halstead Scudder, attorney for the county of Nassau, in favor of the alternative plan. Seamon Brothers for the estate of Willett H. Seamon. Henry V. Condict, attorney for William H. Simonson, a property owner in opposition. At this hearing, as stated, an alternative plan for the elimination of this grade crossing was filed with the Board. After hearing evidence and arguments the matter was held open. Mr. Condict has thirty days from this date in which to file a brief. The Board inspected the crossings and locality. (Grade Crossing Case No. 603.)

The Board took a recess until 11:45 a. m.

MINEOLA, L. I., AUGUST 7, 1906.

AFTER RECESS — 11:45 A. M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Roslyn road in the town of North Hempstead, Nassau county, situated at a point about 1,400 feet distant easterly from the Mineola station on said company's railroad, the petition asking that an overhead bridge crossing of said railroad at the location of the present grade crossing with an approach to said proposed overhead bridge crossing from Front street be constructed. J. F. Keany, for the petitioner. Edwin C. Willett, supervisor; R. E. Allen, highway commissioner; Monroe S. Wood, town clerk for the town of North Hempstead, in opposition. George B. Stoddard, attorney for the highway commissioners of the town of North Hempstead, in opposition. Edward Smith, of the board of trade of Mineola, in opposition. E. L. Beard in opposition. Halstead Scudder, attorney for the county of Nassau, appearance neutral. William H. Haydock, Edward L. Frost, for Thomas W. Albertson, a property owner; and Dr. Skinner also appeared. After hearing evidence and arguments the evidence was closed, but the matter was held open. The Board inspected the crossing and locality. (Grade Crossing Case No. 613.)

The Board took a recess until 1:45 p. m.

WESTBURY, L. I., AUGUST 7, 1906.

AFTER RECESS — 1:45 P. M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the grade crossing of its railroad by a highway known as the Old Westbury road in the town of North Hempstead, Nassau county, situated at a point about 240 feet distant westerly from the Westbury station on said company's railroad to an undercrossing of said railroad with an approach to said undercrossing from the Brush Hollow road highway. J. F. Keany, for the petitioner. William Post, highway commissioner; Monroe S. Wood, town clerk; and George B. Stoddard, attorney for the town board of the town of North Hempstead, appeared for said town; Halstead Scudder, attorney for the county of Nassau, appeared in favor of changing the crossing from grade. L. B. Faber, for twelve property owners adjoining the crossing, in opposition. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. (Grade Crossing Case No. 612.)

The Board took a recess until 3:30 p. m.

HUNTINGTON, L. I., AUGUST 7, 1906.

AFTER RECESS — 3:30 P. M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the grade crossing of said company's railroad by a highway known as New York avenue in the town of Huntington, Suffolk county, situated at a point about 100 feet distant easterly from the Huntington station on said company's railroad, to an undercrossing with approaches to said proposed undercrossing from highways known as Fair Ground avenue and First street on the south side of said railroad, and with two other approaches to said undercrossing on the north side of said undercrossing, and with an approach by steps to said undercrossing from a hotel on the north side of said railroad, and with an approach to said undercrossing from an ice house and coal bin on the south side of said railroad. J. F. Keany for the petitioner. Edward S. Ireland, supervisor; H. D. Denton, highway commissioner; George S. Burr, highway commissioner; A. Heckser Atchison, highway commissioner; Stanton E. Sammis, town clerk; and Allison E. Lowndes, attorney for the town board of the town of Huntington, in opposition; Mr. Lowndes also appeared for a property owner in opposition. William N. Baylis, attorney for A. S. Pettit and Mr. Soler, property owners, in opposition. Rowland Miles, for John S. Mullen, a property owner, in opposition. F. S. Van Schaick, a property owner, appeared for himself. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. (Grade Crossing Case No. 614.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Long Swamp road in the town of Huntington, Suffolk county, situated at a point about 800 feet distant easterly from the Huntington station on said company's railroad, the travel thereon to be diverted therefrom to an undercrossing of said railroad proposed to be constructed at New York avenue by the construction of a new

piece of highway from Long Swamp road to First street, which First street is to have an approach to the proposed New York avenue undercrossing, and by the construction of a new piece of highway from Long Swamp road to Second street, which Second street is to have an approach through Fair Ground avenue to the proposed New York avenue undercrossing. J. F. Keany, for the petitioner. Edward S. Ireland, Supervisor; H. D. Denton, highway commissioner; George S. Burr, highway commissioner; A. Heckser Atchison, highway commissioner; Stanton E. Sammis, town clerk; and Allison E. Lowndes, attorney for the town board of the town of Huntington, in opposition; Mr. Lowndes also appeared for a property owner in opposition. Willard M. Baylis, attorney for A. S. Pettit and Mr. Soler, property owners, in opposition. Rowland Miles for John S. Mullen, a property owner, in opposition. F. S. Van Schaick, a property owner, appeared for himself. Abram Gallien, a property owner, appeared for himself. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. (Grade Crossing Case No. 615.)

The Board took a recess until 5:30 p. m.

ROCKY POINT, L. I., AUGUST 7, 1906.

AFTER RECESS — 5:30 P. M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Wading River road in the town of Brookhaven, Suffolk county, situated at a point about 6,295 feet easterly from the Rocky Point station on said company's railroad, the travel thereon to be diverted therefrom by the construction of a new piece of highway on the north side of said railroad to an existing undercrossing of said railroad by a highway known as Woodville Log road situated next west of said grade crossing. J. F. Keany for the petitioner. Charles B. Partridge for Miss M. Brennan, in opposition. After hearing evidence and arguments the application was withdrawn and the case was ordered marked "withdrawn" on the grade crossing register in this office. The Board inspected the crossing and locality. (Grade Crossing Case No. 608.)

The Board adjourned.

RONKONKOMA, L. I., AUGUST 8, 1906.

10:45 A. M.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Delamater's road or Chestnut avenue in the town of Islip, Suffolk county, situated at a point about 22,800 feet distant easterly from the Central Islip station on said company's railroad and about 3,450 feet distant westerly from the Ronkonkoma station on said company's railroad, the travel thereon to be

diverted therefrom by the construction of new pieces of highway, one on the north side and the other on the south side of said company's railroad and extending from Delamater's road or Chestnut avenue westerly to the Lakeland road highway grade crossing of said company's railroad. J. F. Keany, for the petitioner. Julius Hauser, supervisor; and Ralph C. Greene, attorney, for the town board of the town of Islip, in opposition. Peter H. Finnen, a property owner, appeared in opposition. C. H. Terry appeared in opposition. After hearing evidence and arguments the petition was withdrawn and the case was ordered marked "withdrawn" on the grade crossing register in this office. The Board inspected the crossing and locality. The company is to present a new petition, under section 62 of the Railroad Law, for the closing and discontinuance of the Delamater's road or Chestnut avenue, the Old Pond road and Boeckle road grade crossings of its railroad at this point, and the town is to make application to the Board, under section 61 of the Railroad Law, for a determination of the manner in which the first highway west of the Ronkonkoma station shall cross said railroad. (Grade Crossing Case No. 605.)

The Board took a recess until 12:00 m.

MEDFORD, L. I., AUGUST 8, 1906.

AFTER RECESS — 12:00 M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of said company's railroad by a highway known as the Fish or Thicket road in the town in Brookhaven, Suffolk county, situated at a point about 3,100 feet distant easterly from the Holtsville station on said company's railroad, the travel thereon to be diverted therefrom by the existing Fish or Thicket road highway to an existing undercrossing of said railroad by a highway known as the Old Pine Neck road or Tunnel road, which undercrossing is the next crossing of said railroad east of said Fish or Thicket road grade crossing, and the travel on said Fish or Thicket road existing grade crossing to also be diverted therefrom by the construction of a new piece of highway on the south side of said railroad from said Fish or Thicket road to a highway known as Douglas street or Blue Point road, which is the next crossing of said railroad west of said Fish or Thicket road crossing and which crosses said railroad at grade. J. F. Keany, for the petitioner. James M. Ashton, highway commissioner; F. A. Dewling, highway commissioner; and E. S. Robinson, highway commissioner, in favor of the application. L. H. Robinson, a property owner, appeared in opposition. John Brander and Raymond Guilfoil also appeared. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. (Grade Crossing Case No. 606.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Horseblock road in the town of Brookhaven, Suffolk county, situated at a point about 8,450 feet distant easterly from the Medford station on said company's railroad, the travel thereon to be diverted therefrom by existing highways, viz., Bartlett avenue on the north of said company's railroad, and Horseblock road on the south of said company's railroad, to the Munsell road highway grade crossing of said company's railroad, which is the next crossing east of the Horseblock road crossing. J. F. Keany, for the petitioner. James

MINUTES OF THE BOARD.

M. Ashton, highway commissioner; and E. S. Robinson, highway commissioner, in favor of the application. Herman Kluge, secretary, Suburban Investment Company, in opposition. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. (Grade Crossing Case No. 607.)

The Board took a recess until 2:30 p. m.

EASTPORT, L. I., AUGUST 8, 1906.

AFTER RECESS — 2:30 P. M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the town board of the town of Southampton, Suffolk county, under section 62 of the Railroad Law, as to changing the River road highway grade crossing of the Long Island Railroad at Eastport in said town to an overcrossing of said railroad. Thomas W. Lester, supervisor; W. C. Green, justice of the peace; G. Clarence Topping, justice of the peace; Gaston E. Bishop, justice of the peace; W. E. Griffing, justice of the peace; Edwin P. Rogers, highway commissioner; Frank B. Phillips, highway commissioner; Sherwood Hallock, highway commissioner, for the petitioner. J. F. Keany for the Long Island Railroad Company in favor of the application. A. C. Tuttle, a property owner, also appeared. After hearing evidence and arguments the hearing was closed. The Board inspected the crossing and locality. (Grade Crossing Case No. 528.)

The Board took a recess until 4:15 p. m.

OAKDALE, L. I., AUGUST 8, 1906.

AFTER RECESS — 4:15 P. M.

Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing a grade crossing of said company's railroad by a highway known as the South Country road in the town of Islip, Suffolk county, situated at a point about 2,284 feet distant easterly from the Great River station on said company's railroad, to an overcrossing of said railroad. J. F. Keany for the petitioner. Julius Hauser, supervisor, and Ralph C. Greene specially, for the town board of the town of Islip, in opposition. Mr. Greene objected to the sufficiency of notice under the statute, and without the taking of evidence the hearing was adjourned to a date to be thereafter fixed. (Grade Crossing Case No. 604.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the grade crossing of said company's railroad by a highway known as the South Country road in the town of Islip, Suffolk county, situated at a point about 7,530 feet distant easterly from the Great River station on said company's railroad, to an overhead crossing of said railroad. J. F. Keany for the petitioner. Julius Hauser, supervisor,

and Ralph C. Greene specially, for the town board of the town of Islip, in opposition. Mr. Greene objected to the sufficiency of notice under the statute, and without the taking of evidence the hearing was adjourned to a date to be thereafter fixed. (Grade Crossing Case No. 597.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Old Pond road in the town of Islip, Suffolk county, situated at a point about 8,600 feet distant easterly from the Great River station on said company's railroad, the travel thereon to be diverted therefrom by the construction of a new piece of highway on the north side of the railroad to extend from the Old Pond road to the South Country road and the travel to cross the railroad on an overhead bridge proposed to be constructed substantially at the location of the present South Country road grade crossing of said railroad which is the next crossing west of the Old Pond road crossing. J. F. Keany for the petitioner. Julius Hauser, supervisor, and Ralph C. Greene, specially, for the town board of the town of Islip, in opposition. Mr. Greene objected to the sufficiency of notice under the statute, and without the taking of evidence the hearing was adjourned to a date to be thereafter fixed. (Grade Crossing Case No. 598.)

Orders.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the grade crossing of its railroad by a highway known as the Old Westbury road in the town of North Hempstead, Nassau county, situated at a point about 240 feet distant westerly from the Westbury station on said company's railroad to an undercrossing of said railroad with an approach to said undercrossing from the Brush Hollow road highway. Determination, as shown by office original determination on file, that said crossing shall be changed from grade to an undercrossing with an approach to the undercrossing from the Brush Hollow road. (Grade Crossing Case No. 612.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the grade crossing of said company's railroad by highway known as New York avenue in the town of Huntington, Suffolk county, situated at a point about 100 feet distant easterly from the Huntington station on said company's railroad, to an undercrossing with approaches to said proposed undercrossing from highways known as Fair Ground avenue and First street on the south side of said railroad, and with two other approaches to said undercrossing on the north side of said undercrossing, and with an approach by steps to said undercrossing from a hotel on the north side of said railroad, and with an approach to said undercrossing from an ice house and coal bin on the south side of said railroad. Determination, as shown by office original determination on file, that said crossing shall be changed from grade to an undercrossing with approaches. (Grade Crossing Case No. 614.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Long Swamp road in the town of Huntington, Suffolk county, situated at a point about 800 feet distant easterly from the Huntington station on said company's railroad, the travel thereon to be diverted therefrom to an undercrossing of said railroad proposed to be constructed at New York avenue by the construction of a new piece of highway from Long Swamp road to First street, which First street is to have an approach to the proposed New York avenue undercrossing, and by the construction of a new piece of highway from Long Swamp road to Second street, which Second street is to have an approach through Fair Ground avenue to the proposed New York avenue undercrossing. Determination, as shown by office original determination on file, that said crossing shall be closed and discontinued and that new pieces of highway shall be construed. (Grade Crossing Case No. 615.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of said company's railroad by a highway known as the Fish or Thicket road in the town of Brookhaven, Suffolk county, situated at a point about 3,100 feet distant easterly from the Holtville station on said company's railroad, the travel thereon to be diverted therefrom by the existing Fish or Thicket road highway to an existing undercrossing of said railroad by a highway known as the Old Pine Neck road or Tunnel road, which undercrossing is the next crossing of said railroad east of said Fish or Thicket road grade crossing, and the travel on said Fish or Thicket road existing grade crossing to also be diverted therefrom by the construction of a new piece of highway on the south side of said railroad from said Fish or Thicket road to a highway known as Douglas street or Blue Point road which is the next crossing of said railroad west of said Fish or Thicket road crossing and which crosses said railroad at grade. Determination, as shown by office original determination on file, that said crossing shall be closed and discontinued and a new piece of highway constructed. (Grade Crossing Case No. 606.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as Horseblock road in the town of Brookhaven, Suffolk county, situated at a point about 8,450 feet distant easterly from the Medford station on said company's railroad, the travel thereon to be diverted therefrom by existing highways, viz., Bartlett avenue on the north of said company's railroad, and Horseblock road on the south of said company's railroad, to the Munsell road highway grade crossing of said company's railroad which is the next crossing east of the Horseblock road crossing. Determination, as shown by office original determination on file, that said crossing shall be closed and discontinued. (Grade Crossing Case No. 607.)

Petition of the town board of the town of Southampton, Suffolk county, under section 62 of the Railroad Law, as to changing the River road highway grade crossing of the Long Island Railroad at Eastport in said town to an overcrossing of said railroad. Determination, as shown by office original determination on file, that said crossing shall be changed from grade to an overcrossing of said railroad. (Grade Crossing Case No. 528.)

The Board adjourned.

MIDDLETOWN, AUGUST 15, 1906.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the application of the Erie and Jersey Railroad Company under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in the county of Orange. This hearing was on the question of what the crossings shall be in the town of Wallkill. G. N. Orcutt, attorney, and F. L. Stuart, chief engineer appeared for the Erie and Jersey Railroad Company; W. B. Royce, attorney, and Charles A. Evans, supervisor, appeared for the town of Wallkill. Stipulation as to these crossings, a statement of which is with the papers, was made at this meeting between the company and the town of Wallkill. The last regular hearing in this case was at Goshen, July 12, 1906. (Grade Crossing Case No. 600.)

HORNELL, AUGUST 16, 1906.

Hearings.

Adjourned hearing before Commissioners Dunn and Baker (by delegation of the Board) in the matter of the petition of the mayor and common council

of the city of Hornellsville (now Hornell) under section 62 of the Railroad Law, as to changing the Canisteo street grade crossing of the Erie Railroad in said city to an undercrossing, which proposition also involves the grading of Taylor street and Broad street on the approach to said proposed undercrossing. Milo M. Acker, city attorney, for the petitioners; F. H. Robinson, attorney for property owners, in opposition; John R. Sheldon, property owner, in person, in opposition; S. E. Brown for the Erie Railroad Company. After hearing evidence and arguments the hearing was adjourned until Thursday, September 13, 1906, 10 a. m., at the city hall in the city of Hornell. Two previous hearings have been given in Hornell on this petition, one on September 3, 1901, and one on May 21, 1902. The plan now proposed is different from the plan proposed at said previous hearings. (Grade Crossing Case No. 337.)

WELLSBURG, AUGUST 17, 1906.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the petition of the Erie Railroad Company under section 62 of the Railroad Law as to changing the River Bridge highway grade crossing of its railroad in the village of Wellsburg to an overcrossing, one of the approaches to said proposed overcrossing to be in the town of Ashland, Chemung county. Reynolds, Stanchfield & Collin (Mr. Stanchfield, Mr. Lovell and Mr. Falch appearing) for the petitioner; Knipp, Aldridge & Losie (Mr. Knipp appearing) for the town of Ashland and for Louis Bach, a property owner, in opposition; Seymour Lowman, a property owner, appeared in person, in opposition; A. C. Wright, for the Chemung Valley Condensing Company in opposition; Boyd McDowell for Amos B. Merriam, highway commissioner of the town of Ashland, in opposition. After hearing evidence and arguments, the hearing was adjourned until Friday, September 14, 1906, 10 a. m., at the Exchange Hotel in Wellsburg. (Grade Crossing Case No. 618.)

LIVONIA, AUGUST 18, 1906.

Hearings.

Adjourned hearing before Commissioner Baker (by delegation of the Board) on the petition of the president and trustees of the village of Livonia under section 62 of the Railroad Law, as to the closing and discontinuing of the Main street, Big Tree street and West avenue grade crossings of the Erie Railroad in said village, the travel thereon to be diverted therefrom to a new crossing of said railroad which the petition asks this Board to determine shall be constructed across said railroad (not at the grade of the railroad) in the vicinity of the present said grade crossings. It appeared at the hearings that the desire of the petitioners is not that the Main street and the Big Tree street crossings shall be closed, but that the West avenue crossing shall be closed and the travel diverted to a new overhead crossing of the railroad proposed. A. N. Stewart, president of the village, and Harry Pease for Charles Ward, attorney for the village, appeared for the petitioners; Amos D. Coe, administrator of the estate of F. J. Coe, appeared for that estate as a property owner. F. A. Robins, attorney, and C. H. Moore, engineer of grade crossings, appeared for the Erie Railroad Company not in opposition. A plan for a proposed overcrossing was presented at this

hearing by the company. After hearing evidence and arguments, the evidence was closed but the matter was held open. (Grade Crossing Case No. 469.)

ALBANY, AUGUST 22, 1906.

Bill Approved.

The following bill was approved:

General Expenses.

George W. Dunn (expenses) \$240 00

BUFFALO, AUGUST 23, 1906.

Hearings.

Hearing before Commissioners Baker and Rockwell (by delegation of the Board) in the matter of the application of the New York Central and Hudson River Railroad Company under section 34 of the Railroad Law, for consent to the discontinuance of the Water Works passenger station on the Belt line railroad of said company in Buffalo. Pooley & Spratt (Mr. Pooley appearing) for the applicant. F. G. Ward, commissioner of public works of the city of Buffalo in favor of the application. No one else appeared. After hearing evidence and arguments the hearing was closed. (Case No. 3840.)

ALBANY, AUGUST 24, 1906.

Present (by letter or telephonic communication), Commissioners George W. Dunn, Frank M. Baker, Joseph M. Dickey, George W. Aldridge and Henry N. Rockwell.

Orders.

In the matter of operating conditions on the Union Railway, New York city, a report and recommendations was adopted and ordered issued to the company. (Case No. 3892.)

WATKINS, AUGUST 24, 1906 — 4 P. M.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board) on the petition of the New York Central and Hudson River Railroad Company, lessee, of the Syracuse, Geneva and Corning Railway; under section 62 of the Railroad Law, as to the closing and discontinuance of the Moreland road highway grade crossing of the Syracuse, Geneva and Corning railway in the town of Dix, Schuyler county, situated at a point about one-half mile north of the Beaver Dams station on said railroad (said crossing being known locally at Beer's crossing), and the construction of a new piece of highway from the Moreland road highway to a point just north of the Beaver Dams station on said railroad, the new piece of highway there to

cross the railroad at grade. Reynolds, Stanchfield & Collin (Ross M. Lovell appearing) for the petitioner; O. P. Hurd, for the town of Dix, in opposition; Seaman F. Northrup for F. W. Northrup, L. E. Northrup, William F. Hall and A. H. Moore, property owners, in opposition; George N. Velie, for E. N. Bolt, highway commissioner of the town of Dix, not in opposition if certain conditions were agreed to by the railroad company. After hearing evidence and arguments the hearing was adjourned until Thursday, September 20, 1906, 3 p. m., before Commissioner Baker, at the Jefferson House, Watkins. The hour for this hearing was subsequently changed to 11 a. m. by notice to those who received notice of this hearing and those who appeared at this hearing. (Grade Crossing Case 610.)

SYRACUSE, AUGUST 24, 1906 — 10 A. M.

Hearings.

Hearing before Commissioners Baker and Rockwell (by delegation of the Board), in the matter of the application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the freight station on the West Shore railroad (its lessor) at Manlius Center, it being proposed that the freight now handled at this station shall be handled at the Minoa station on the New York Central and Hudson River railroad. Hiscock, Doheny, Williams & Cowie (LeRoy B. Williams appearing) for the applicant. No one else appeared. After hearing evidence and arguments the hearing was closed. (Case No. 3643.)

NEW YORK, AUGUST 28, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Western New York and Pennsylvania Railway Company (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double track branch railroad proposed to be constructed by the applicant shall cross certain highways in the town of West Seneca, Erie county. Frank Rumsey, for the applicant; John W. Fisher, for the town of West Seneca. After hearing evidence and arguments the evidence was closed, but the matter was held open. (Grade Crossing Case No. 601.)

Application of the Manhattan Railway Company for approval of the issuance of the remaining four million eight hundred thousand dollars (\$4,800,000), forty-eight thousand (48,000) shares of the capital stock of said company referred to in an order of this Board dated January 16, 1903. Julian T. Davies for the applicant and the Interborough Rapid Transit Company. After hearing evidence and arguments the hearing was closed. (Case No. 2826.)

Applications.

In the matter of the application of the Malone, Fort Covington and Hopkins Point Railway Company for a certificate, under section 59 of the Railroad Law, W. C. Breed appeared before the Board in relation to correspondence which the Board has had with the company as to the notary

public who took the affidavit as to the payment of the ten per cent. of the capital stock, and the Board informed Mr. Breed that it would hear the company on this application at the office of the Board in the Capitol, Albany, on Tuesday, September 11, 1906, at 11:00 a. m. (Case No. 3686.)

Reports.

Report of the electrical expert dated August 21, 1906, as to an investigation by himself and Commissioner Baker of a head-on collision between a passenger train and a freight train on the Lockport and Olcott branch of the International Railway at Martinsville, July 11, 1906. Ordered copy sent company, with a letter of recommendation, as shown by office original letter on file. (Street Case No. 37 — 1906.)

Report of Commissioner Baker dated August 22, 1906, as to placing of metal troughs on the trolley wires of the Jamestown Street Railway at its crossing of the Jamestown, Chautauque and Lake Erie Railroad (steam) and two crossings of the Erie Railroad (steam) in Jamestown. Ordered letter of recommendation written to Jamestown Street Railway Company that metal troughs be placed on its trolley wires at these crossings, as shown by office original letter on file. Report of Commissioner Baker dated August 22, 1906, as to placing of metal trough on the trolley wire of the Olean Street Railway at the King street crossing of the Pennsylvania Railroad in Olean; also verbal report by Commissioner Baker as to placing metal troughs on the trolley wire of the Olean Street Railway Company at points where it crosses the River division of the Pennsylvania Railroad in Olean. Ordered letter of recommendation written the Olean Street Railway Company that metal troughs be placed on its trolley wires at these crossings, as shown by office original letter on file. Report of Commissioner Baker dated August 22, 1906, as to the placing of highway crossing signs at crossings of the Chautauqua Traction Company's railroad by highways outside of cities and villages; and report of Commissioner Baker dated August 22, 1906, as to the placing of highway crossing signs at crossings of the Olean Street Railway by highways outside of cities and villages. Ordered circular issued to all street surface railroads in the State recommending that under section 33 of the Railroad Law highway crossing signs shall be placed and constantly maintained at every point where such railroads cross public highways at grade outside of cities and villages. (Case No. 3691.)

Crossings.

In the matter of pending petitions of the New York Central and Hudson River Railroad Company alone, and in the case of Mount Vernon and the city of Yonkers and the town of Westchester, the petitions being joined in by the mayor and common council of said cities and the town board of said town, as to the changing from grade of crossings of said company's railroad and the New York and Harlem Railroad, its lessor, in Westchester county, it was directed that the Attorney-General be requested to furnish the opinion asked for on June 21, 1906, by Commissioner Dickey, representing the Board. (Grade Crossing Cases Nos. 550, 535, 536, 548, 533, 551, 534, 552, 553, 549 and 545.)

In the matter of the application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in the county of Orange, Commissioner Baker submitted a verbal report as to the crossings in the town of Wallkill. See minutes of August 15, 1906, in which a stipulation as to these crossings which is with the papers referred to. It was determined that Commissioners Dickey and Rockwell should hold a further hearing at the St. Elmo Hotel in Goshen, on Thursday, September 13, 1906, at 11:00 o'clock a. m., as to the crossings in the other towns. (Grade Crossing Case No. 600.)

Orders.

Petition of the president and trustees of the village of Livonia, under section 62 of the Railroad Law, as to the closing and discontinuance of the Main street, Big Tree street and West avenue grade crossings of the Erie Railroad in said village, it appearing at the hearings in this matter that the desire of the petitioners is not that the Main street and Big Tree street crossings shall be closed, but that the West avenue crossing shall be closed and the travel diverted to a new overhead crossing of the railroad proposed. Determination, as shown by office original determination on file, that a new piece of highway and an overhead bridge crossing of the railroad shall be constructed. (Grade Crossing Case No. 469.)

John Dort and C. J. Beardsley of Oramel, against the Pennsylvania Railroad Company, as to its station at Oramel. Ordered recommendation made to company, as shown by office original recommendation on file. (Case No. 3569.)

In the matter of the determination of this Board dated August 1, 1906, granting a certificate under section 59 of the Railroad Law to The Paul Smith's Electric Light and Power and Railroad Company, it was ordered that the opinion of the Attorney-General be asked as to whether or not this company must pay a second organization tax on its capital stock. (Case No. 3605.)

The following resolution was adopted:

Resolved, That the action of the Secretary of this Board in signing at the direction of this Board and on its behalf a certificate dated April 3, 1906, setting forth the financial condition of the Rochester, Syracuse and Eastern Railroad Company, is hereby ratified and confirmed.

Bills Approved.

The following bills were approved:

General Expenses.

Metropolitan Life Insurance Company (rent New York office, etc.), August, 1906	\$177 15
John T. Kane (Steno. services)	87 50
Wm. McNeilly (postage stamps)	100 00
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	\$364 65
	<hr/>

The Board adjourned.

DEPOSIT, SEPTEMBER 4, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Delaware and Southern Railroad Company (steam and electric) for a certificate under section 59 of the Railroad Law. C. E. Scott and H. D. Hinman for the applicant. John B. Kerr (by telegram) for the New York, Ontario and Western Railway Company, in opposition. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed by the Board. The applicant closed its case except in rebuttal, and testimony as to the *bona fides* of the enterprise and the ability of the projectors to build the road. (Case No. 3667.)

The Board adjourned.

MINUTES OF THE BOARD.

ONEONTA, SEPTEMBER 5, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell. Commissioner Baker to-day is on Staten Island in relation to the operation of the Staten Island Midland Railway and the Richmond Light and Railroad.

Hearings.

Application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate under section 59 of the Railroad Law. H. C. Henderson for the applicant; Amos Van Etten for the Ulster and Delaware Railroad Company; H. C. Mitchell for the Catskill Electric Railway Company; L. E. Carr for The Delaware and Hudson Company. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. Mr. Carr is to notify the Board by Monday, September 10, 1906, whether he desires to put in proof or not. (Case No. 3500.)

The Board adjourned.

ALBANY, SEPTEMBER 10, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

The minutes of the meetings of July 30, 31, August 1, 7, 8, 15, 16, 17, 18, 22, 23, 24 (in Albany), 24 (in Syracuse), 24 (in Watkins), 28 and September 4 and 5, 1906, were read and approved.

In the matter of the application of the Catskill Mountain and Mohawk Valley Railway Company for a certificate, under section 59 of the Railroad Law, L. E. Carr, representing those appearing in opposition, appeared before the Board and filed with it a statement that the opposition would not present any evidence unless the applicant presents further evidence. Ordered that this matter be summed up before this Board on Wednesday October 3, 1906, 11:30 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3500.)

Complaints.

William P. Gregg and village of Port Jervis against the Milford, Matamoras and New York Railroad Company as to obstruction of the Delaware river by a bridge being built by said company across the river at Port Jervis, and as to fear that the construction of the piers for the bridge will result in damage to a dike constructed by the State at this point. Copies sent company. Answer of the company dated August 26, 1906, to the complaint of William P. Gregg, received. Copies sent Mr. Gregg and the village. (Case No. 3689.)

Louis H. Pink for the Milton Club and others against the New York City Railway Company as to its east side lines. Letter dated August 16, 1906, received from Louis H. Pink as to compliance by the company with the recommendation of the Board as to change of motive power on its east side lines. Copy sent company. Letter dated August 20, 1906, received from company. (Case No. 3524.)

In the matter of recommendations of this Board dated January 23, 1906, to the Albany and Hudson Railroad Company in the complaint of E. A. Bedell against said company, letters dated August 13 and 14, 1906, were received from the company as to the company procuring new passenger cars. Ordered letter written the president of the company, as shown by copy on file. (Case No. 3402.)

F. Friedleben against the New York, New Haven and Hartford Railroad Company as to undercrossing of its railroad at East Two Hundred and Twenty-first street, New York city. Copy sent company. Answer of company received stating that the cause of complaint has been removed. Copy

sent complainant. Reply of complainant received. Closed. (Case No. 3671.)

B. G. Wooden and others against the New York Central and Hudson River Railroad Company as to crossing of the Pennsylvania division of said company's railroad near the northeast boundary line of the city of Geneva. Copy sent company. (Case No. 3717.)

Winthrop & Stimson for a client, Winthrop Chanler, against the Erie Railroad Company as to barbed wire fence of said company along Mr. Chanler's farm. Answer of company received. Copy sent complainants. Letter dated August 17, 1906, received from complainants. Ordered filed. (Case No. 3655.)

Forrest Seed Company of Cortland against the Delaware, Lackawanna and Western Railroad Company as to shipment (originating at Cortland) to Martin Brothers at Deposit, N. Y. Copy sent company. Letter dated September 6, 1906, received from company. Copy sent complainants. (Case No. 3698.)

P. B. Carpenter of Stephentown against the Rutland Railroad Company as to construction of farm crossing of its railroad adjoining his farm and as to construction of fence on its right of way along his farm. Copy sent company. Letter dated August 4, 1906, received from company. Copy sent complainant. Letter dated September 6, 1906, received from complainant. Answer of company received. Copy sent complainant. (Case No. 3670.)

Ridgewood Board of Trade, Brooklyn, against the New York Connecting Railroad Company as to crossing by a railroad track of said company of Starr street, Brooklyn. Report dated August 2, 1906, received from inspector of grade crossings. Ordered filed. Letter dated August 2, 1906, received from the company. Copy sent complainants. Answer of company received. Copy sent complainants. The answer of the company states that Starr street is not crossed by the tracks of the New York Connecting Railroad Company, but by tracks and right of way of the Long Island Railroad Company, and that the street has never been legally opened across said tracks and right of way. Letter dated September 4, 1906, received from complainants. Closed. (Case No. 3662.)

W. F. King against the New York Central and Hudson River Railroad Company as to service rendered the public, particularly on its Rome, Watertown and Ogdensburg division. Referred to Commissioner Rockwell. (Case No. 3707.)

William Marshall of Salt Point against the Central New England Railway Company as to condition of its fence along his farm. Letter dated August 29, 1906, received from complainant stating that the fence had been fixed. Ordered filed. Closed. (Case No. 3648.)

John R. Zwicky and others against the Staten Island Rapid Transit Railway Company, the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Letter dated August 6, 1906, received from complainant to the effect that the recommendations of the Board are being complied with. Report dated August 2, 1906, received from H. C. Keyes of this office to the same effect. Ordered filed. Closed. (Case No. 3457.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Letters dated August 13 and 20, 1906, received from complainant; and letter dated August 7, 1906, received from the Flushing Association. Ordered filed. (Case No. 3222.)

John Allaire against the Brooklyn Heights Railroad Company as to said company not running cars in the morning and evening from the Thirty-ninth street ferry to Ulmer Park. Report dated July 31, 1906, received from the electrical expert. Ordered filed. This case was closed on the minutes of August 1, 1906, and is not re-opened. (Case No. 3620.)

M. Raynor against Great South Bay Ferry Company as to construction of a railroad. Report dated August 2, 1906, received from electrical expert to the effect that the railroad in question being constructed does not cross any highway. Ordered filed. This case was referred to Commissioners

Baker and Rockwell, who reported verbally to-day. Closed. (Case No. 3576.)

R. E. Grinstead against the Lake Shore and Michigan Southern Railway Company and the New York Central and Hudson River Railroad Company as to shipments of horses to complainant at Sacketts Harbor. Letter dated August 10, 1906, received from company. Copy sent complainant. (Case No. 3642.)

Ridgewood Heights Improvement Association of Brooklyn against the Brooklyn Heights Railroad Company as to incline being constructed from the elevated structure operated by said company to the surface at Palmetto street in the Borough of Queens, New York city. Copy sent complainant. Answer of company received. Copy sent complainants. (Case No. 3713.)

C. Pianisani against the Interborough Rapid Transit Company and the Union Railway Company as to service rendered the public. The electrical expert is to make a report in this matter. (Case No. 3716.)

John F. Seevany against the Brooklyn Heights Railroad Company as to service rendered the public on its surface and elevated lines. Copy sent company. Letter dated August 27, 1906, received from company. Copy sent complainant. The electrical expert is to make a report in this matter. (Case No. 3714.)

In the matter of the complaint of the Business Mens' Association of the city of Corning against the Erie Railroad Company asking that a new passenger station be erected at that point. Ordered recommendation made to the company that a new passenger station be constructed at as early a date as practicable. (Case No. 3645.)

W. C. Gallagher of Slaterville Springs against the Delaware, Lackawanna and Western Railroad Company in relation to bridge which the company is replacing over a highway at Willseyville. Ordered letter written the highway commissioner of the town as to this being a matter within his jurisdiction, or that of the town board, and case closed. (Case No. 3658.)

In the matter of the complaint of the Property Owners' Association, Twenty-third ward, Borough of the Bronx, New York city, against the Interborough Rapid Transit Company, in which this Board made recommendations to the company on June 6 last which recommendations were transmitted to the company on June 11, a report dated July 27, 1906, was received from the electrical expert to the effect that these recommendations have not been complied with. Ordered letter written the company, as shown by copy on file. (Case No. 3535.)

J. Bijur against the Long Island Railroad Company as to cars used in its electric service between Brooklyn and Cedarhurst. Answer of company received. Copy sent complainant. Reply of complainant received. Closed. (Case No. 3664.)

Arthur G. Qua against the Boston and Maine Railroad as to delivery of coal in Saratoga Springs. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3700.)

F. W. Gardner against the Rutland Railroad Company as to condition of its fence and weeds on its right of way along his farm at Petersburg Junction. Second answer of company received. Ordered letter written company, as shown by copy on file. (Case No. 3624.)

F. W. Allen against the Long Island Railroad Company as to excess passenger fare charged between Flatbush avenue, Brooklyn, and Jamaica, and in relation to local and express trains not being indicated as such at Jamaica. Second answer of company received. Copy sent complainant. In this matter, C. L. Addison, assistant to the president, and A. L. Langdon, traffic manager, of the Long Island Railroad Company, appeared before the Board in relation to conductors' receipt for extra fare paid on trains being issued. They were directed to have the company write a letter to the Board on this subject. (Case No. 3650.)

Andover Stamping Company against the New York Central and Hudson River Railroad Company as to shipment by said company from Albion to Andover. Copy sent company. Answer of company received. Copy sent complainants. Closed. (Case No. 3676.)

H. P. Quick against the Brooklyn Heights Railroad Company as to lighting of cars of said company (Brighton Beach line) when in underground crossings of streets between Beverly row and Park place; as to the lighting of such underground passages; and as to giving passengers check for second fare. Letter dated August 7, 1906, received from complainant. Letter dated August 2, 1906, received from company as to progress of work in compliance with the recommendation of the Board as to lighting the underground crossings. Copy sent complainant. (Case No. 3611.)

S. P. Kurzman against the Long Island Railroad Company in relation to highway crossing at grade of said railroad at its Cedarhurst station. Letter dated August 27, 1906, received from company. Copy sent complainant. (Case No. 3693.)

Sherman Van Ness against the Rutland Railroad Company as to lack of fence on its right of way along complainant's farm, one-half mile south of Old Chatham. Copy sent company. Answer of company received. Copy sent complainant. Letter dated September 4, 1906, received from complainant to the effect that the fence has been built. Ordered filed. Closed. (Case No. 3675.)

E. C. Bridgman against the Staten Island Rapid Transit Railway Company as to ringing of bells, blowing of whistles and blowing off of steam and smoke of locomotives. Reply of complainant received. Ordered filed. The inspector of grade crossings has been instructed to make a report in this matter. (Case No. 3653.)

H. B. Royce of Middletown against the Erie Railroad Company as to obstruction by freight trains of highway grade crossing by its railroad about one-half mile west of Otisville. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3677.)

Hamden Co-operative Creamery Company of Hamden against the New York, Ontario and Western Railway Company as to milk trains stopping at complainant's creamery. Copy sent company. Answer of company received stating that milk trains of the company would stop at said point. Copy sent complainant. Closed. (Case No. 3684.)

James J. Lawless of the town of West Seneca, Erie county, against the Lehigh and Lake Erie Railroad Company as to construction of a crossing by said company's railroad of the Abbott road in said town. The inspector of grade crossings is to make a report in this matter. (Case No. 3708.)

S. L. Merrill of Carthage against the New York Central and Hudson River Railroad Company as to delays in shipment of freight from Theresa to Carthage and from Albany to Carthage. Letter dated August 25, 1906, received from company. Copy sent complainant. Letter dated September 8, 1906, received from complainant. Copy sent company, with letter as shown by copy on file. (Case No. 3647.)

Henry H. Weber of Olean against the Olean Street Railway Company as to shipment of dynamite on passenger cars. Letter of recommendation dated August 25, 1906, sent company that such shipments should not be made. Letter dated August 27, 1906, received from company stating that orders had been issued that such shipments should not be made. Copy sent complainant. Closed. (Case No. 3694.)

A. C. Deyoe against the Lehigh Valley Railroad Company as to the physical condition of its railroad from Elmira to Canastota, particularly between Cazenovia and Freeville. The inspector is to report in this matter, he having already been over this railroad once this season. (Case No. 3704.)

A. J. Throop of Port Gibson against the Rochester, Syracuse and Eastern Railroad Company as to passenger fare to and from Port Gibson and as to failure to stop at two points. Letter dated August 2, 1906, received from complainant. Ordered filed. This case was closed on the minutes of July 30, 1906, and is not re-opened. (Case No. 3656.)

S. A. Saunders against the New York City Railway Company as to cars being delayed at base ball grounds at One Hundred and Sixty-eighth street. Reply of complainant to answer of company received. Ordered that the electrical expert make a report in this matter. This case was closed on the minutes of July 30, 1906, and is now re-opened. (Case No. 3659.)

William B. Young for a client, Miss Catherine Stephens of Piermont, against the Erie Railroad Company as to the physical condition of the Old Nyack and Northern Railroad, now the property of the Nyack and Southern Railroad Company (operated by the Erie Railroad Company.) In this matter recommendations of the Board have been made to the company. Letter dated August 17, 1906, received from complainant. Ordered filed. Letter dated August 24, 1906, to the Governor from complainant, and referred to this office. Ordered filed. Report dated September 1, 1906, made by the superintendent of the grade crossing bureau. Copy sent complainant. (Case No. 3641.)

J. Wadsworth Norton against the Brooklyn Heights Railroad Company in relation to speed of trains through New Utrecht avenue. Letter dated August 3, 1906, received from company as to compliance with recommendations of this Board. Copy sent complainant. Closed. (Case No. 3597.)

William E. Rogers against the New York City Railway Company as to service rendered the public on its Madison avenue line. Report dated July 31, 1906, received from electrical expert. Copy sent complainant. Letter dated August 8, 1906, received from complainant. Further report dated August 14, 1906, received from electrical expert. The electrical expert is to report further in this matter in November next. (Case No. 3552.)

James Ackroyd & Sons against the Delaware and Hudson Company and the New York Central and Hudson River Railroad Company as to charge made by the first named company for switching a car from its railroad to the second named company's railroad and charge made by second named company for switching same car from Albany to Rensselaer. Answer of New York Central and Hudson River Railroad Company received. Copy sent complainants. Reply of complainants received. Copy sent New York Central and Hudson River Railroad Company. Letter dated August 24, 1906, received from said company. Copy sent complainants. Letter dated August 27, 1906, received from complainants. Ordered hearing set for Wednesday, October 3, 1906, 10 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3644.)

R. J. Caldwell against the Brooklyn Heights Railroad Company as to covering of the electric third rail on its elevated lines. Letters dated August 11 and 27, 1906, received from complainant. Ordered Mr. Caldwell be notified that he may appear before the Board in New York at the office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city, on Friday, September 28, 1906, at 10 a. m. (Case No. 3433.)

Board of trustees of the village of White Plains against the Tarrytown, White Plains and Mamaroneck Railway Company as to operation of its railway in said village. Copy sent company. Answer of company received. Copy sent complainants. The electrical expert is to make a report in this matter. (Case No. 3699.)

James S. Root against the Rochester and Eastern Rapid Railway Company as to speed of cars and as to running-boards on open cars. The electrical expert is to make a report in this matter. (Case No. 3703.)

W. F. Stone against the Brooklyn Heights Railroad Company as to flagmen at a grade crossing of its Brighton Beach division and the Beverly road highway. Copy sent company. Answer of company received. Copy sent complainant. Second answer of company received. Copy sent complainant. The electrical expert is to make a report in this matter. (Case No. 3679.)

John P. Kelly of Old Chatham against the Rutland Railroad Company as to condition of its fence along his farm. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3666.)

William H. T. Moore against the Brooklyn Heights Railroad Company as to service rendered the public on its Sumner avenue line from Bergen depot on the night of August 25. Copy sent company. Letter dated August 30, 1906, received from company. Copy sent complainant. (Case No. 3696.)

William H. T. Moore against the Brooklyn Heights Railroad Company as to rebate tickets and identification checks on the Brighton Beach line of the company. Copy sent company. (Case No. 3697.)

Henry W. Helfer against the Union Railway Company as to operation of cars on the Central Bridge and Jerome avenue lines, New York city. Report dated August 13, 1906, received from electrical expert. This matter was referred to Commissioner Rockwell, who concurs in this report. Ordered copy sent complainant and company. (Case No. 3630.)

Verbal complaint against the New York Central and Hudson River Railroad Company as to operation, reversed, of locomotives attached to passenger trains on the Attica branch of said company's railroad. Letter dated August 1, 1906, received from company. Copy sent complainant. Closed. (Case No. 3305.)

J. J. Upham of Black Creek, Allegany county, against the Pennsylvania Railroad Company as to its not maintaining an agent at its station at Black Creek. Report dated August 7, 1906, received from inspector of grade crossings. Ordered filed. This case was closed on the minutes of August 1 and is not re-opened. (Case No. 3637.)

H. A. Lewis against the Rutland Railroad Company as to condition of its fence along his farm near Petersburg Junction and as to weeds growing on its right of way along his farm. Letter dated August 8, 1906, received from company stating that the weeds have been cut and fence erected. Copy sent complainant. Letter dated August 10, 1906, received from complainant to the same effect. Ordered filed. Closed. (Case No. 3636.)

C. I. Hudson of New York city against the St. Lawrence International Electric Railroad and Land Company as to passenger fare charged. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered hearing in this matter set for Friday, September 28, 1906, 10:30 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3669.)

Samuel G. Tracy, M. D., against the New York City Railway Company as to refusal to give transfer. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered hearing set for Friday, September 28, 1906, 11 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3682.)

The Arverne by the Sea Association against the Long Island Railroad Company as to gates or flagmen at steam railroad crossings and as to agents at stations. Answer of company received. Copy sent complainants. Closed. (Case No. 3603.)

Allison Orts against the Brooklyn Heights Railroad Company as to operation of cars on its Fifth avenue line after midnight from the Thirty-ninth street ferry; and as to operation of its line after 1:30 in the morning from Coney Island. Report dated August 13, 1906, received from electrical expert. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Case No. 3592.)

J. F. Lines against the Rochester, Syracuse and Eastern Railroad Company as to passenger fare to and from Port Gibson. This matter is involved with the A. J. Throop complaint; see on the minutes of August 1. Letter dated August 4, 1906, received from Mr. Lines as to ticket fare from Port Gibson to Palmyra and from Port Gibson to Newark. Ordered filed. This case is not re-opened. (Case No. 3661.)

L. R. Scott of Bridgewater against the Delaware, Lackawanna and Western Railroad Company as to non-connection of a passenger train on said company's railroad with a passenger train on the Unadilla Valley Railroad at Bridgewater. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered filed. Closed. (Case No. 3660.)

Frank J. Lang against the Brooklyn Heights Railroad Company as to operation of cars on the Brooklyn bridge and as to operation of trains on the Lexington avenue elevated line of said company. Report dated August 2, 1906, received from the electrical expert to the effect that the recommendation of this Board in this matter is being complied with. Letter dated August 15, 1906, received from complainant as to the number of cars in express trains on the Lexington avenue line. Copy sent company. Letter

dated September 5, 1906, received from company. Copy sent complainant. The electrical expert is to make another report in this matter. This case was closed on the minutes of August 1 and is now re-opened. (Case No. 3635.)

Herbert H. Mass against the Ocean Electric Railway Company as to stopping its cars at Channel avenue, Edgemere. Report dated August 2, 1906, received from the electrical expert. Closed. (Case No. 3577.)

S. W. Turner against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to the One Hundred and Sixteenth street and Eighth avenue station on said railway. Report dated August 2, 1906, received from the electrical expert. Copy sent company, with letter of recommendation dated August 7, 1906. Letter dated August 8, 1906, received from company. Ordered that the electrical expert make another report in this matter. (Case No. 3275.)

William T. Gregg against the Yonkers Railroad Company relative to noise made by its cars on Warburton avenue, Yonkers. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Referred to Commissioner Rockwell. (Case No. 3681.)

William Wirt Mills against the Staten Island Midland Railroad Company as to service rendered the public. Commissioner Baker made a verbal report. Closed. (Case No. 3678.)

M. Wade Lansing of West Albany against the Schenectady Railway Company. Reply of complainant to answer of company received. Report dated August 7, 1906, received from superintendent of the grade crossing bureau. Closed. (Case No. 3654.)

Edgar Cary of Richfield Springs against the Oneonta and Mohawk Valley Railroad Company as to stringing of guard-wires under high potential wires of said company in said village. Letter dated August 9, 1906, received from complainant to the effect that the cause of complaint has been removed. Ordered filed. Closed. (Case No. 3651.)

Henry A. Dann of Lancaster as to station of Lehigh Valley Railroad Company at that point. Closed. (Case No. 3568.)

Herbert A. Van Dyke against the Interborough Rapid Transit Company (lessee, Manhattan Railway) and the Union Railway Company as to station on the Manhattan Railway at One Hundred and Fifty-fifth street, and as to operation of cars on the Jerome avenue line of the Union Railway. Closed. (Case No. 3582.)

W. H. Nearpass against the Milford, Matamoras and New York Railroad Company as to bridge over the Delaware river at Port Jervis. Closed. (Case No. 3502.)

Residents of South Gilboa against the Ulster and Delaware Railroad Company as to the construction of a station and side-tracks at that point. Closed. (Case No. 3604.)

John H. Coyne, mayor of Yonkers, against the New York Central and Hudson River Railroad Company as to passenger fare on its New York and Putnam division from Getty square, Yonkers, to One Hundred and Fifty-fifth street, New York. Closed. (Case No. 3526.)

The matter of recommendations of this Board to the Long Island Electric Railway Company contained in a letter dated March 8, 1906, was closed. (Case No. 3528.)

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its Cemetery line. Closed. (Case No. 3531.)

President, Borough of Brooklyn, New York city, against the Brooklyn Heights Railroad Company, the Brooklyn, Queens County and Suburban Railroad Company, the Nassau Electric Railroad Company and the Coney Island and Brooklyn Railroad Company as to ten cents fare charged to Coney Island. Letter dated August 20, 1906, received from the attorney of the company to the effect that this matter is now in the courts. Ordered filed. The attorney for the company has not answered the Board's letter of August 2, 1906. (Case No. 3622.)

Erie Railroad Company against the New York Central and Hudson River Railroad Company as to derailing switches at an interlocking plant being installed at crossings of these railroads at Batavia. Ordered hearing set for Tuesday, September 18, 1906, 12 m., at the Hotel Iroquois, Buffalo. (Case No. 3715.)

W. C. Coleman Company against the Long Island Railroad Company as to delivery of freight at Setauket. Letter dated August 13, 1906, received from complainant withdrawing complaint. Ordered filed. This case was closed on the minutes of July 30, 1906, and is not re-opened. (Case No. 3599.)

H. P. Russell of Pine Hill against the National Express Company as to rates on small packages and failure to deliver packages to residences and business places in Pine Hill. Letter without date received from complainant. Ordered filed. This case was closed on the minutes of July 2, 1906, and is not re-opened. (Case No. 3584.)

Olin J. Stephens and William Stonebridge against the Union Railway Company. Report dated August 14, 1906, received from electrical expert, in relation to the complaint of Mr. Stonebridge asking that the company operate cars between 12:45 a. m. and 6 a. m., the report stating that a recommendation to this effect would not be justified. Ordered copy sent complainant and case closed. This case was referred to Commissioners Baker and Rockwell and is now withdrawn from them. (Case No. 3615.)

Bedford Park Taxpayers' Association against the Union Railway Company in relation to service rendered the public. Referred to Commissioners Baker and Rockwell. (Case No. 3734.)

Applications.

Application of the Delaware, Lackawanna and Western Railroad Company, under section 34 of the Railroad Law, as to discontinuance of its station at Litchfield, east of Waverly. Closed. Hearing in this matter was held on May 12, 1906. (Case No. 3549.)

Letter dated August 13, 1906, received from the Long Island Railroad Company as to change of location of the Hewletts station on its railroad, a determination in which, under section 34 of the Railroad Law, dated December 2, 1903, has been made by this Board. Ordered filed. (Case No. 2584.)

Application of the Electric City Railway Company (street surface), under section 68 of the Railroad Law, as to crossing the Erie Railroad (steam) and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company (steam) on Niagara street, Niagara Falls, temporarily at grade, and for a determination as to its railway crossing these railroads at this point permanently in an undercrossing to be constructed. Letter dated August 20, 1906, received from applicant as to a further hearing on the temporary crossing application. Ordered applicant be notified that contracts for the undercrossing have been approved and that no action will be taken by the Board as to the temporary crossing under these circumstances. (Case No. 3380.)

Application of the Fort George Street Railway Company for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3709.)

Application of the Elmira Water, Light and Railroad Company for approval of an increase of its capital stock from one million dollars (\$1,000,000) to two million dollars (\$2,000,000). Ordered hearing set for Wednesday, September 19, 1906, 12:30 p. m., at the courthouse, Rochester. (Case No. 3710.)

Application of the Elmira Water, Light and Railroad Company for consent to the issuance of a first consolidated mortgage for five million dollars (\$5,000,000). Ordered hearing set for Wednesday, September 19, 1906, 12:30 p. m., at the courthouse, Rochester. (Case No. 3711.)

Application of the New York, Auburn and Lansing Railway Company for consent to the issuance of the remaining eight hundred thousand dollars

(\$800,000) bonds under a mortgage consented to by this Board March 1, 1905. Ordered hearing set for Wednesday, September 19, 1906, 12:30 p. m., at the courthouse, Rochester. (Case No. 3291.)

Application of the Brooklyn Heights Railroad Company, as lessee of the Brooklyn Union Elevated Railroad, under section 34 of the Railroad Law, as to the temporary closing of the Avenue C station on its Brighton Beach line during the progress of certain work of depressing its tracks. Ordered carried on file. (Case No. 3705.)

Application of the Chautauqua Traction Company (street surface), under section 68 of the Railroad Law, as to its railroad crossing the Jamestown, Chautauqua and Lake Erie Railway (steam) in an existing undercrossing in Factory street in the village of Westfield. Report dated August 14, 1906, received from electrical expert. Ordered filed. (Case No. 3668.)

Application of the Pennsylvania Railroad Company, under section 33 of the Railroad Law, for approval of the shape and design of a highway crossing sign and the words of warning thereon and location and elevation of such signs at highway grade crossings of railroads operated by it in this State. The inspector is to report in this matter, also Commissioner Baker. (Case No. 3706.)

Application of the Rochester Railway Company for approval of derailing switch to be installed in its railroad at a point where said railroad crosses at grade the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company) on Plymouth avenue, Rochester; and for approval of derailing switch at a point where its railroad crosses at grade the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on St. Paul street, near Seneca Park entrance, in Rochester. Report dated August 14, 1906, received from electrical expert. Ordered plans for said derailing switches approved. (Case No. 3665.)

In the matter of the determination and recommendations of this Board dated April 18, 1906, in the application of the Brooklyn Heights Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of its station known as Kensington on the southeasterly corner of the intersection of Lotts lane and Gravesend avenue, Borough of Brooklyn, New York city, a letter dated August 8, 1906, was received from the company as to compliance with the recommendations. Ordered filed. (Case No. 3533.)

Application of the New York & Port Chester Railroad Company for permission to withdraw its application for approval of this Board of an increase of its capital stock from two hundred and fifty thousand dollars (\$250,000) to fifteen million dollars (\$15,000,000), and that the papers be returned to the applicant. Ordered permission granted that the application be withdrawn, but that the papers be kept on file in this office. (Case No. 3072.)

Application of the New York & Port Chester Railroad Company for permission to withdraw its application for consent of this Board to the issuance of a first mortgage for fifteen million dollars (\$15,000,000), and that the papers be returned to the applicant. Ordered permission granted that the application be withdrawn, but that the papers be kept on file in this office. (Case No. 3073.)

Application of the Waverly, Sayre and Athens Traction Company, under section 103 of the Railroad Law, for approval of a declaration of abandonment of that portion of its route on Chemung street from William street to Broad street, Waverly. Ordered carried on file. (Case No. 3702.)

Application of the Frontier Electric Railway Company for a certificate under section 59 of the Railroad Law. Ordered filed. (Case No. 3701.)

Reports.

The matter of recommendations of this Board to the Staten Island Midland Railroad Company contained in a letter of recommendation dated November 21, 1904, was closed. (Case No. 3242.)

The matter of recommendations of this Board to the Staten Island Rapid Transit Railway Company contained in a letter to the company dated November 16, 1905, was closed. (Case No. 3443.)

In the matter of the recommendations of this Board to the Wallkill Transit Company as to the installation of derailing switches in its railroad at a point where it crosses the Erie Railroad in North street, Middletown, a letter dated August 16, 1906, was received from the company to the effect that the derailing switches are installed and in working order; a letter dated August 22, 1906, was received from the Erie Railroad Company to the same effect. Report of Commissioner Baker dated August 15, 1906, as to a crossing frog in the Wallkill Transit Company's railroad at this crossing and as to metal trough to be installed on the trolley wire of said company at this crossing. Letter of recommendations on these subjects dated August 17, 1906, sent to the company. Letter dated August 30, 1906, received from company to the effect that these recommendations would be complied with. Ordered filed. (Case No. 3340.)

Report of the inspector of grade crossings dated August 6, 1906, to the effect that derailing switches have not been installed in the railroad of the Cortland County Traction Company, nor a metal trough constructed on its trolley wire at the Elm street crossing at grade of the Syracuse, Binghamton and New York Railroad. Ordered letter written company, as shown by copy on file. Letter dated August 6, 1906, received from Cortland County Traction Company. Ordered filed. (Case No. 2677.)

Report of the electrical expert dated July 27, 1906, as to transfer points on the Brooklyn Heights Railroad. Ordered filed. Closed. (Case No. 3727.)

Report of the inspector of grade crossings dated August 23, 1906, to the effect that the temporary crossing at grade by the Chautauqua Traction Company's railroad (street surface) of the Western New York and Pennsylvania Railway (steam—leased to and operated by the Pennsylvania Railroad Company) in Valley street, Mayville, has been taken up, the street surface railroad now crossing the steam railroad on an overhead bridge. Ordered filed. (Case No. 3195.)

Report of the inspector of grade crossings without date as to sign-boards at crossings of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the city of Utica. Ordered filed. (Case No. 3107.)

Report dated July 31, 1906, received from the electrical expert as to his attendance at a meeting of the Joint Rapid Transit Committee of the Bronx Civic Associations on Wednesday, July 25, 1906. Order filed. In this matter a letter dated August 22, 1906, was received from said committee as to another meeting being held on September 19. The electrical expert has been instructed to attend this September 19 meeting. (Case No. 3729.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 25, 1904, as to changing the Chautauqua road or Valley street (or Lake road) grade crossing of the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company) in the village of Mayville to an overcrossing, a report dated August 23, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 491.)

Orders.

In the matter of the application of the Paul Smith's Electric Light and Power and Railroad Company for a certificate under section 59 of the Railroad Law, an opinion dated August 31, 1906, was received from the Attorney-General to the effect that this company has not to pay another organization tax. Ordered filed. Certificate has been issued; see minutes of August 1 and 28, 1906. (Case No. 3605.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the Water Works passenger station on its belt line railroad in Buffalo. Granted. (Case No. 3640.)

Application of the Manhattan Railway Company for approval of the issuance of the remaining four million eight hundred thousand dollars (\$4,800,000), forty-eight thousand (48,000) shares, of the capital stock of said company referred to in an order of this Board dated January 16, 1903. Granted. (Case No. 2826.)

Application of the Chautauqua Traction Company (street surface), under section 68 of the Railroad Law, as to its single track railroad crossing the Jamestown, Chautauqua and Lake Erie Railway (steam) in an existing undercrossing in Factory street in the village of Westfield. Granted, as shown by office original determination on file. (Case No. 3668.)

Application of the Rochester Railway Company for approval of derailling switch to be installed in its railroad at a point where said railroad crosses at grade the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company) on Plymouth avenue, Rochester; and for approval of derailling switch at a point where its railroad crosses at grade the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on St. Paul street, near Seneca Park entrance, in Rochester. Ordered plans approved by letter. (Case No. 3665.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of freight station on the West Shore Railroad (its lessor) at Manlius Center. Granted. (Case No. 3643.)

The Board adjourned.

ALBANY, SEPTEMBER 11, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Complaints.

Mrs. A. L. Greene against the United Traction Company and the Schenectady Railway Company as to height of steps on cars. The matter of height of steps on street surface railroad passenger cars was referred to Commissioners Baker and Rockwell and the electrical expert to report. (Case No. 3566.)

Applications.

Application of the Tuscarora Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3687.)

Application of the Suffolk Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3672.)

Application of the Buffalo Subway Railroad Company (wholly or partly underground) for a certificate under section 59 of the Railroad Law. Ordered filed, the company not asking that an early hearing be set. (Case No. 3680.)

Crossings.

Application of the Genesee River Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad shall cross streets, avenues and highways in the counties of Livingston and Allegany. Ordered hearing set for Wednesday, October 10, 1906, 10 a. m., at the Kinney House, Cuba. (Grade Crossing Case No. 625.)

Application of the Nypano Railroad Company, under section 60 of the Railroad Law, as to the manner in which its route as changed in the county of Chautauqua, and as to the manner in which a branch connection or cut-off of its railroad to be constructed in the county of Chautauqua, shall cross streets, avenues and highways. Ordered hearing set for Thursday, October 11, 1906, 10 a. m., at the New Sherman House, Jamestown, before Commissioner Baker. (Grade Crossing Case No. 626.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 24, 1906, as to changing a grade crossing of the Delaware, Lackawanna and Western Railroad in the town of Vestal, Broome county, to an undercrossing; location plan, general plan, profiles and detail plans (blue prints) for the substructure were submitted to the Board by the company, together with a report thereon dated September 10, 1906, from the superintendent of the grade crossing bureau. Ordered filed pending the determination of this matter which has been appealed to the courts; also ordered letter written attorneys for the company. This case has been appealed to the courts and the printed case filed with county clerk. (Grade Crossing Case No. 585.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated May 23, 1906, as to the closing and discontinuance of the John Hulsey road highway grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, situated at a point about 9,900 feet easterly from Holtsville (Waverly) and 2,550 feet westerly from the Medford station on said railroad, and the construction of an undercrossing in an extension of Medford avenue or Port Jefferson road highway from Peconic avenue to Robinson avenue; general and detail blue print plans for the work, which plans bear the approval of the supervisor and highway commissioners of the town, and printed specifications for the substructure and superstructure and estimate of expense (\$8,360), and proposals of contractors for the superstructure were submitted to the Board by the company, together with a report thereon dated September 10, 1906, from the superintendent of the grade crossing bureau. Ordered said plans, printed specifications and estimate of expense approved; also ordered approved the proposal of Lewis F. Shoemaker & Company for the superstructure, viz., two and ninety-five one-hundredths (2.95) cents per pound, estimated weight twenty thousand (20,000) pounds, f. o. b. cars, Jamaica. The company is to do the substructural work itself and erect the bridge, the town to do the grading of the highway. The town also approves the estimate of expense. The abutments for the bridge are to be constructed for a double track bridge, the company to bear the entire expense of the additional cost of said abutments over those for a single track bridge. (Grade Crossing Case No. 568.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated May 23, 1906, as to the closing and discontinuance of the Sheep Pasture road grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, situated at a point about 8,960 feet easterly from the Setauket station on said railroad and the construction of new pieces of highway and an overhead bridge crossing of said railroad at another point, detail blue print plans and an estimate of expense for this work were submitted to the Board by the company, together with a report thereon, dated September 10, 1906, from the superintendent of the grade crossing bureau. Ordered approved said detail plans and estimate of expense, viz., four thousand dollars (\$4,000). The company is to do the work itself, except the grading of the highways which will be done by the town. Also ordered that the company be notified that the bridge shall have a width of roadway of twenty-five (25) feet. (Grade Crossing Case No. 225.)

Hearings.

Application of the Carthage & Copenhagen Railroad Company, under section 60 of the Railroad Law, as to its single track railroad crossing streets in the village of West Carthage, Jefferson county, and highways in the

town of Denmark, Lewis county. W. B. Van Allen for the applicant; no one else appeared. After hearing evidence and arguments the evidence was closed, but the matter was held open. (Grade Crossing Case No. 617.)

Application of the Malone, Fort Covington and Hopkins Point Railway Company for a certificate under section 59 of the Railroad Law. W. F. Wenwright, president of the company, for the applicant; W. P. Rudd for the New York Central and Hudson River Railroad Company, not in opposition; Moot, Sprague, Brownell & Marcy (S. F. Carr appearing) for the Grand Trunk Railway Company, in opposition. After-hearing arguments the hearing was adjourned until Wednesday, October 3, 1906, 10 a. m., at the office of the Board in the Capitol, Albany. It may be that this company will be reincorporated because of the notary who took the affidavit as to the payment of ten per cent. of the capital stock being an incorporator. (Case No. 3886.)

Reports.

Commissioner Dickey was directed to investigate and report as to grade crossing accident on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company), at Marlborough station where two people were killed on the 1st inst. He is to hold a hearing in this matter at Marlborough station on Friday, September 14, 1906. (Steam Case No. 54—1906.)

Crossings.

In the matter of the application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in Orange county, a letter dated September 4, 1906, was received from W. B. & H. B. Royce, attorneys, county of Orange and town of Wallkill, in relation to the Goshen-Bloomington turnpike crossing. Ordered that they be notified they will be heard in this matter before Commissioners Dickey and Rockwell of this Board at the St. Elmo Hotel in Goshen on Thursday, September 13, 1906, at 10 a. m. (Grade Crossing Case No. 600.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated March 27, 1906, as to the closing and discontinuance of a grade crossing of the Long Island Railroad by the Country road or Forge road highway in the town of Riverhead, Suffolk county, the travel thereon to be diverted therefrom by the construction of a new piece of highway and an overhead bridge crossing of said railroad to be located at another point, the State and the town to bear none of the expense—general and detail blueprint plans for the substructure and superstructure of the bridge were submitted to the Board by the company, together with a report thereon dated September 10, 1906, from the superintendent of the grade crossing bureau. Ordered said plans approved on condition that the abutments of the bridge shall have wing-walls. The company is to build this structure itself. No plans have been submitted for the new piece of highway. (Grade Crossing Case No. 588.)

A petition dated August 30, 1906, was received from the village of Waverly, as to the lowering of the Pennsylvania avenue overhead bridge crossing of the Erie Railroad and the railroad operated by the Lehigh Valley Railroad Company in said village. Ordered that the village be notified that inasmuch as this bridge was not constructed under any authority of this Board the Board has no jurisdiction in the matter. Closed. (Grade Crossing Case No. 627.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1906, as to changing the Niagara street, Niagara Falls, grade crossing of the Erie Railroad to an undercrossing, in which plans and specifications for the work have been approved by this Board (see minutes of July 2, 1906), and in which an estimate of the expense of the work has been approved (see minutes of August 1, 1906), there was submitted to the Board by the Company the following: 1. Proposals of contractors for the substructural work, together with a report thereon from the superintendent of the grade crossing bureau dated August 7, 1906. Ordered

approved proposal of W. A. Shepard & Company, estimated quantities, unit prices, estimated to amount in total to \$13,714.75. 2. Proposals of contractors for the superstructure, together with a report thereon from the superintendent of the grade crossing bureau dated August 7, 1906. Ordered approved the proposal of the American Bridge Company, viz., 3.1 cents per pound, estimated weight 132,000 pounds, f. o. b. cars, Niagara Falls. 3. There was also submitted to the Board by the company three copies of specifications to each of which are attached three blueprint plans for this work, together with a report thereon from the superintendent of the grade crossing bureau, dated September 10, 1906, the third sheet of specifications on two of the copies bearing the approval of the city and the railroad company. Ordered said specifications and plans approved. (Grade Crossing Case No. 501.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, proposals of contractors for the superstructure were submitted to the Board by the Erie Railroad Company, together with a report thereon dated August 8, 1906, from the superintendent of the grade crossing bureau. Ordered approved the proposal of the Baltimore Bridge Company, viz., two and eighty-eight one-hundredths (2.88) cents per pound, estimated weight three hundred thousand (300,000) pounds, f. o. b. cars Niagara Falls, not including the cost of railing which is to be charged at one dollar (\$1.00) per lineal foot under this proposal. (Grade Crossing Case No. 293.)

In the matter of the petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Glen Cove Back road grade crossing of its railroad in the town of Oyster Bay, Nassau county, situated at a point about 2,450 feet distant easterly from the Greenvale station on said Company's railroad, brief and affidavits in opposition from Henry V. Condict, who appeared at the hearing for William H. Simonson, a property owner, were submitted to the Board. Ordered filed. (Grade Crossing Case No. 603.)

Orders.

Application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in the county of Orange. Determination as shown by office original determination on file, as to all but one of the crossings in the town of Wallkill, there to be one or more determinations in the future as to one of the crossings in this town and as to the crossings in the other towns. (Grade Crossing Case No. 600.)

Hearings.

Further hearing in the matter of the application of the New York and Queens County Railway Company for consent of this Board to the issuance of a first and refunding mortgage for ten million dollars (\$10,000,000). Strong & Cadwalader (Mr. Bayne, appearing) and Van Vechten Veeder for the applicant; no one else appeared in person, although letters on the subject were received from Hornblower, Byrne, Miller & Potter in opposition. After hearing arguments the hearing was closed, Hornblower, Byrne, Miller & Potter being given opportunity to file with this Board in Rochester on Wednesday the 19th inst., a brief in opposition, a copy of this brief to be filed with Strong & Cadwalader by Monday the 17th inst., and Strong & Cadwalader being given an opportunity to also file a brief with the Board in Rochester on Wednesday the 19th inst. (Case No. 3590.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Reports.

Report of the inspector dated August 18, 1906, as to electrical power transmission lines throughout the State. Ordered carried on file. (Case No. 3688.)

A letter dated August 4, 1906, was received from the Hudson Valley Railway Company as to derailling switches in its railroad at the Park avenue, Mechanicville, grade crossing of The Delaware and Hudson Company's railroad. The electrical expert has been instructed to report in this matter. (Case No. 2373.)

In the matter of the high potential wire pole line of the Utica and Mohawk Valley Railway Company at Pleasant street, Frankfort, a letter dated August 4, 1906, was received from the company. Ordered filed. The electrical expert is to make a report as to protection of such wires. (Case No. 2899.)

The electrical expert has been instructed to make a report as to the physical condition of the Bennington and Hoosick Valley Railway in this State. (Case No. 3685.)

A report dated July 27, 1906, of the electrical expert as to the physical condition of the portion of the Rochester and Sodus Bay Railway between East Main street station and Glen Haven was submitted to the Board. A copy of this report, with a letter of recommendation, was sent to the company on August 7. Letter dated August 10 received from the company to the effect that the recommendations have been complied with. (Case No. 3674.)

Report of Commissioners Baker and Rockwell, received in this office September 10, 1906, as to construction of metal troughs on trolley wires of the Syracuse Rapid Transit Railway at crossings of its railway and steam railroads. Letter of recommendation dated September 10, 1906, sent to company. (Case No. 3712.)

The matter of the railroad companies which failed to make quarterly reports to the Board was closed. (Case No. 3388.)

In the matter of the recommendations of this Board, dated August 24, 1906, as to operating conditions of the Union Railway, New York city, a letter dated September 1, 1906, was received from the company to the effect that the recommendation as to operation of four additional cars on its Jerome avenue line during morning and evening rush hours has been complied with and that the other recommendations would be submitted to the board of directors. Ordered filed. (Case No. 3692.)

Report of the inspector dated August 20, 1906, of his inspection of the Lehigh Valley Railroad in this State. Ordered copy sent company with letter of recommendation, as shown by office original letter on file. Also ordered letter written Ithaca Street Railway Company and the Auburn and Syracuse Electric Railroad Company as to metal troughs on trolley wire at crossings of this railroad. (No. 16—1906.)

In the matter of the recommendations of this Board contained in a letter to the company dated August 16, 1906, growing out of a report of the inspector of his inspection of the railroads operated by the New York, Ontario and Western Railway Company in this State, a letter dated September 4, 1906, was received from the company that the recommendations would be complied with. Ordered filed. (No. 7—1906.)

In the matter of the recommendations of this Board contained in a letter to the companies dated August 16, 1906, growing out of a report of the inspector of his inspection of the railroads operated by the Delaware, Lackawanna and Western Railroad Company in this State and the Syracuse, Binghamton and New York Railroad, a letter dated August 27, 1906, was received from the companies as to compliance with the recommendations. Ordered filed. The electrical expert is to report as to crossings at grade by these railroads of street surface electric railroads. (No. 9—1906.)

Report of the inspector, dated August 31, 1906, of his inspection of the Central Dock and Terminal Railway. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 20—1906.)

Report of the inspector, dated August 31, 1906, of his inspection of the Owaseo River Railway. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 19—1906.)

Report of the inspector, dated August 31, 1906, of his inspection of the Skaneateles Railroad. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 18—1906.)

Report of the inspector, dated August 30, 1906, of his inspection of the Western New York and Pennsylvania Railway (operated by the Pennsylvania Railroad Company) in this State. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 17—1906.)

Report of the inspector, dated August 18, 1906, of his inspection of the Sterling Mountain Railway. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 15—1906.)

Report of the inspector, dated July 31, 1906, of his inspection of the Buffalo, Rochester and Pittsburgh Railway in this State. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 11—1906.)

Report of the inspector, dated August 1, 1906, of his inspection of the Silver Lake Railway. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 12—1906.)

Report of the inspector, dated August 1, 1906, of his inspection of the Island Railroad. Ordered copy sent company. (No. 13—1906.)

Report of the inspector, dated August 1, 1906, of his inspection of the Lowville and Beaver River Railroad. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (No. 14—1906.)

In the matter of the recommendations of this Board, contained in a letter to the company dated July 11, 1906, growing out of a report of the inspector of his inspection of the Central New England Railway in this State, a letter dated August 21, 1906, was received from the company as to compliance with the recommendations. Ordered filed. (No. 4—1906.)

In the matter of the recommendations of this Board, contained in a letter to the company, dated August 16, 1906, growing out of a report of the inspector of his inspection of the Cranberry Lake Railroad, a letter dated August 20, 1906, was received from the company stating that the recommendations will be complied with. (No. 8—1906.)

Report of the inspector of grade crossings, dated July 5, 1906, as to a rear-end collision between a freight and a passenger train on the Auburn branch of the New York Central and Hudson River Railroad at Phelps. Ordered copy sent company. (Steam Case No. 38—1906.)

Report of the inspector of grade crossings, dated August 2, 1906, as to an accident which occurred at a grade crossing of the Long Island Railroad, Manhattan Beach division, at New Lots avenue, Brooklyn, July 15, 1906. Ordered filed. This crossing is to be changed from grade. (Steam Case No. 46—1906.)

Report of the inspector of grade crossings, dated July 24, 1906, as to a head-on collision between engines of two freight trains on the New York, Ontario and Western Railway at Norwich, July 1, 1906. Ordered copy sent company. (Steam Case No. 43—1906.)

Report of the inspector, dated August 18, 1906, as to derailment of a passenger train on The Delaware and Hudson Company's railroad near Ballston Spa, July 3, 1906. Ordered copy sent company. (Steam Case No. 40—1906.)

Report of Commissioners Baker and Rockwell, dated May 21, 1906, as to collision between a Wabash Railroad train and a New York Central and Hudson River Railroad switch engine, May 16, 1906, near Black Rock station, Buffalo. Ordered copy sent company. (Steam Case No. 28—1906.)

Report of the electrical expert, dated August 7, 1906, as to a car of the International Railway Company being struck by a freight train at the Ferry street crossing of the Erie Railroad in Buffalo. A copy of this report with a letter dated August 14, 1906, was sent to the company. Ordered further letter written company. (Street Case No. 7—1906.)

Report of the inspector, dated August 6, 1906, as to an accident which occurred to northbound New York Central and Hudson River Railroad passenger train No. 37 on the Hudson River division of said railroad near Chelsea, July 29 last. A copy of this report was sent to the company, with a letter of recommendation dated August 6, 1906. Letter dated August 14, 1906, received from the company as to compliance with the recommendations. Ordered filed. (Steam Case No. 47—1906.)

Report of the inspector of grade crossings dated July 6, 1906, as to a collision between a passenger car and a work car on the Olean Street Railway about one mile west of Olean, June 21, 1906. Ordered copy sent company, with a letter of recommendation as shown by office original letter on file. (Street Case No. 28—1906.)

Report of the inspector of grade crossings, dated July 9, 1906, as to a head-on collision between passenger cars on the Catskill Electric Railway, June 28, 1906. Ordered copy sent company without recommendation. (Street Case No. 31—1906.)

Report of the inspector of grade crossings, dated July 11, 1906, as to a Bennington and Hoosick Valley Railway car being struck by a train of the Boston and Maine Railroad at the River street crossing of said railroads in Hoosick Falls. Ordered copy sent Bennington and Hoosick Valley Railway Company, with a letter of recommendation as shown by office original letter on file; also ordered copy sent Boston and Maine Railroad. (Steam Case No. 41—1906.)

In the matter of the recommendation of this Board, contained in a letter dated August 16, 1906, to the New York Central and Hudson River Railroad Company, growing out of a collision between a locomotive without cars and a yard engine which was pushing a caboose on the West Shore Railroad, lessor, near Ravena, May 19, 1906, a letter dated August 23, 1906, was received from the company as to compliance with the recommendation, which was as to interlocking plant. Ordered filed. (Steam Case No. 30—1906.)

In the matter of the recommendations of this Board, contained in a letter dated August 10, 1906, to the Schenectady Railway Company, growing out of a derailment of a Fonda, Johnstown and Gloversville Railroad electric car at a switch on the Mohawk river bridge near Schenectady, owned by the first named company, a letter dated August 13, 1906, was received from the company that the recommendation as to switch stand would be complied with. (Street Case No. 48—1906.)

In the matter of the report of the inspector of this Board, dated July 23, 1906, as to a head-on collision between freight trains near Union Square, on the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River Railroad, May 27, 1906, letters dated August 31 and September 8 were received from the company as to the use of the "31 order." Ordered filed. (Steam Case No. 33—1906.)

In the matter of the recommendations of this Board, contained in a letter dated April 5, 1905, to the International Railway Company as to interlocking system at the Second street, Niagara Falls, grade crossing of said railroad and the New York Central and Hudson River Railroad, growing out of a collision between a car of the street railway company and an engine of the steam railroad company, a letter dated August 18, 1906, was received from the steam railroad company. Ordered filed. (Street Case No. 52—1904.)

A letter dated July 31, 1906, was received from the Interborough Rapid Transit Company to the effect that semaphore signals recommended by this Board to be installed at Fifty-third street and Ninth avenue on its Manhattan Railway, lessor, had been installed. The electrical expert is to report in this matter. (Street Case No. 28—1905.)

Report of the electrical expert, dated August 21, 1906, as to a head-on collision between passenger train No. 4 and a freight train on the International Railway side track at Martinsville, July 11, 1906. Copy sent company, with a letter of recommendation dated September 4, 1906. Letter received from the company that the recommendation would be complied with. Ordered filed. (Street Case No. 37—1906.)

Report of the inspector of locomotive boilers, dated July 20, 1906, as to bursting of a flue in the boiler of locomotive engine No. 104 of the New York Central and Hudson River Railroad Company, July 12, 1906, in Rensselaer. Ordered copy sent company. (Steam Case No. 44 — 1906.)

Report of the inspector of locomotive boilers, dated August 29, 1906, as to explosion of boiler of New York Central and Hudson River Railroad Company locomotive No. 2433, August 26, 1906, between Herkimer and Little Falls. Ordered copy sent company. (Steam Case No. 50 — 1906.)

Report of the inspector of locomotive boilers, dated August 20, 1906, of his inspection of the boiler of locomotive No. 3 of the Buffalo, Attica and Arcade Railroad Company. Copy sent company, with letter of recommendation as shown by office original on file. Letters dated August 23 and 27 and September 1 received from the company, that the recommendations will be complied with. Ordered filed. (Locomotive Boiler Case No. 3.)

Report of the inspector of locomotive boilers, dated August 10, 1906, as to the boiler of the one locomotive operated by the Kanona and Prattsburgh Railway Company. Letter of recommendation dated August 14, 1906, written company that the boiler of this locomotive be inspected by a competent boiler inspector and report filed here. This recommendation was complied with. (Locomotive Boiler Case No. 2.)

Report of the inspector of locomotive boilers, dated August 2, 1906, as to the boiler of locomotive engine No. 5, operated by the Schoharie Valley Railway Company. A letter of recommendation, dated August 2, 1906, was sent to the company in this matter. A second report was made by the inspector of locomotive boilers to the effect that this locomotive had been taken out of service. Copy sent company with letter dated August 8, 1906. A third report was made by the inspector of locomotive boilers, dated August 28, 1906. Copy sent company with a letter of recommendation dated September 6, 1906, as shown by office original letter on file. (Locomotive Boiler Case No. 1.)

Crossings.

In the matter of the petition of the town board of the town of Cornwall, Orange county, under section 62 of the Railroad Law, as to Willow avenue grade crossing of the New York, Ontario and Western Railway at or near Firthcliff station on said railway, a plan and estimate of cost was submitted to the Board by the town, together with a report thereon, dated August 8, 1906, from the superintendent of the grade crossing bureau. Ordered filed. (Grade Crossing Case No. 592.)

In the matter of the petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to changing crossings of its railroad in Yonkers, an opinion dated August 31, 1906, was received from the Attorney-General. Ordered filed. (Grade Crossing Case No. 533.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated March 30, 1905, as to an extension of Fourteenth street in the town of Horseheads, Chemung county, crossing the Lehigh Valley Railroad at grade, a letter dated August 30, 1906, was received from the company to the effect that a guard-rail had been constructed on a bridge over a ditch near this crossing. Ordered filed. (Grade Crossing Case No. 526.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 8, 1906, as to changing the New York avenue grade crossing of the Long Island Railroad near its Huntington station to an undercrossing, a letter dated August 30, 1906, was received from J. R. Savage, chief engineer of the company, as to said determination. Ordered that Mr. Savage be notified that he may appear before the Board at the New York office of the Board on Friday, September 28, 1906, at 12 m. as to said crossing, and as to the Long Swamp road crossing. (Grade Crossing Cases Nos. 614 and 616.)

In the matter of the petition of the town board of the town of Sennett, Cayuga county, under section 62 of the Railroad Law, as to changing the Grant avenue grade crossing of the Auburn branch of the New York Central and Hudson River Railroad in said town to an overcrossing and the con-

struction of a new piece of highway from Grant avenue to Phelps highway and the closing and discontinuance of the Phelps highway existing overcrossing of said railroad (the reason of this closing of Phelps highway being that the grade to the bridge is prohibitive to heavy traffic), a letter dated August 28, 1906, was received from the company, together with a white print of a plan for this work. Ordered carried on file. (Grade Crossing Case No. 620.)

Petition of the town board of the town of New Scotland, under section 62 of the Railroad Law, as to changing the New Scotland and Wolf Hill highway grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an undercrossing. Ordered carried on file. (Grade Crossing Case No. 623.)

Petition of the town board of the town of Stafford, Genesee county, under section 62 of the Railroad Law, as to the closing and discontinuance of highway grade crossings (two) of the New York Central and Hudson River Railroad by highways known as the State road and Horseshoe Lake road, it being proposed that said crossings shall be closed and discontinued and new pieces of highway and an overhead bridge crossing to be located about midway between the two existing grade crossings shall be constructed. Ordered carried on file. (Grade Crossing Case No. 624.)

In the matter of the application of the New York Central and Hudson River Railroad Company and the Terminal Railway of Buffalo, joined, under section 60 of the Railroad Law, for a determination of the manner in which two tracks of the Terminal Railway of Buffalo proposed to be constructed in the town of Hamburg, Erie county, in which said town said railway is operated by the New York Central and Hudson River Railroad Company, shall cross the Lakeview and the Mile Strip road highways in said town, in which matter a hearing was held in Buffalo on March 14th last at which it appeared that these crossings are in the village of Blasdell instead of in the town of Hamburg, an amended petition was filed with the Board setting forth that these proposed crossings are in the village of Blasdell. Ordered hearing set on this amended petition for Thursday, October 11, 1906, 2:30 p. m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 584.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 9, 1904, as to changing the Newburgh and Campbell Hall highway grade crossing of the New York, Ontario and Western Railway in the town of New Windsor, Orange county, at the Rock Tavern station to an avercrossing, a report dated August 7, 1906, was received from the superintendent of the grade crossing bureau as to completed work. Ordered completed work approved. (Grade Crossing Case No. 483.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1899, as to changing a grade crossing of the Fitchburg Railroad (now Boston and Maine Railroad), at Melrose in the town of Schaghticoke, Rensselaer county, to an undercrossing, a report, dated August 20, 1906, was received from the inspector of grade crossings to the effect that the drainage has not yet been improved at this undercrossing. Ordered letter written the company as shown by copy on file. (Grade Crossing Case No. 1.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Caskey's grade crossing of the Erie Railroad, near Sparrowbush in the town of Deepark, Orange county, to an undercrossing, a report dated April 14, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 19, 1906, as to changing the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad in the village of Homer to an overcrossing, and the construction of a new piece of highway, a report dated August 6, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 543.)

In the matter of the determination of this Board, under section 61 of the Railroad Law, dated May 23, 1905, as to carrying McKinley avenue in the

town of Union, Broome county, over the Erie Railroad, above grade, a report dated August 6, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered letter written the company. (Grade Crossing Case No. 537.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing, a report dated August 7, 1906, was received from the inspector of grade crossings as to the progress of the work tendered and filed. (Grade Crossing No. 416.)

A report dated July 25, 1906, was received from the inspector of grade crossings to the effect that no additional tracks have been laid by the New York Central and Hudson River Railroad Company or leased lines across highways in the borough of the Bronx, New York city. Ordered filed. (Miscellaneous.)

A report, dated July 25, 1906, was received from the inspector of grade crossings to the effect that on the Harlem River and Port Chester branch of the New York, New Haven and Hartford Railroad, no additional tracks have been laid across streets or highways. Ordered filed. (Miscellaneous.)

A report dated July 27, 1906, was received from the inspector of grade crossings to the effect that the New York, Westchester and Boston Railway has not crossed any streets or highways. Ordered filed. (Miscellaneous.)

A report dated July 27, 1906, was received from the inspector of grade crossings to the effect that the New York and Port Chester Railroad has not crossed any streets or highways. Ordered filed. (Miscellaneous.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 4, 1902, as to the closing and discontinuance of two grade crossings of the New York and Harlem Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the village of Bronxville, Westchester county, a letter dated August 6, 1906, and subsequent letters were received from Louis A. Marks, to the effect that the determination of the Board is not literally being carried out. A report dated August 17, 1906, in this matter was received from the superintendent of the grade crossing bureau. Ordered that Mr. Marks be informed that the Board will not proceed further in relation to the statements in his letters. The State's proportion of the cost in this matter has been paid. (Grade Crossing Case No. 363.)

Orders.

Petition of the mayor and common council of the city of Yonkers and the New York Central and Hudson River Railroad Company, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of said company's railroad in said city. Determination as shown by office original determination on file, that the crossings shall be changed (the motion being made by Commissioner Rockwell), the Board also determining that the State shall pay but one hundred and thirty-eight thousand dollars (\$138,000) of the cost of this work under this determination, this sum of one hundred and thirty-eight thousand dollars (\$138,000) to be the amount in full that the State shall pay as its proportion of the cost of changing said crossings under this determination. (Grade Crossing Case No. 533.)

Application of the Western New York and Pennsylvania Railway Company, (operated by the Pennsylvania Railroad Company), under section 60 of the Railroad Law, for a determination of the manner in which a double track branch or cut-off railroad proposed to be constructed by the applicant shall cross certain highways in the town of West Seneca, Erie county. Determination as shown by office original determination on file. (Grade Crossing Case No. 601.)

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Grant avenue grade crossing of the Auburn branch of its railroad in the town of Sennett, Cayuga county, and the construction of a new piece of highway to an existing overhead bridge crossing of said railroad by Phelps

highway. Denied because another petition in relation to this Grant avenue crossing, from the town, is pending before the Board. (Grade Crossing Case No. 516.)

The Secretary was authorized to use his discretion in employing temporarily an additional clerk at a salary not to exceed one hundred dollars (\$100) a month.

Bills Approved.

The following bills were approved.

General Expenses.

Frank M. Baker (expenses).....	\$45 00
Frank M. Baker (expenses).....	100 00
Frank M. Baker (expenses).....	30 00
Frank M. Baker (expenses).....	15 00
J. D. Shultz (expenses — July).....	35 25
J. D. Shultz (expenses — August).....	80 65
James E. Brazee (expenses — July).....	64 95
Charles R. Barnes (expenses — August).....	107 92
G. P. Robinson (expenses).....	25 61
John S. Kennedy (expenses).....	21 35
H. C. Keyes (expenses).....	9 25
Karl F. Colson (expenses).....	8 00
John J. Farley (expenses).....	27 00
Stanley P. Wells (expenses).....	11 80
Great Bear Spring Company (July).....	3 30
Great Bear Spring Company (August).....	3 90
Sampson & Murdock Company.....	16 00
Remington Typewriter Company.....	55 00
John R. McClellan.....	4 35
A. H. Clapp.....	13 80
Hudson Valley Paper Company.....	15 75
The Smith Premier Typewriter Company.....	6 50
Western Union Telegraph Company (July).....	7 72
Postal Telegraph-Cable Company (July).....	5 63
Postal Telegraph-Cable Company (August).....	5 29
Hudson River Telephone Company (July).....	35 07
Hudson River Telephone Company (August).....	25 17
"Klips" E. C. Cuyler, Secretary-Treasurer (August).....	25 00
Harry J. Sternberg.....	36 62
Brandow Printing Company (July).....	136 41
Brandow Printing Company (August).....	74 05
American Express Company (July).....	23 44
National Express Company (July).....	13 37
John T. Kane (stenographic services).....	60 00
C. J. Norton.....	3 20
New York office:	
Great Bear Spring Company (February, March, April).....	2 50
Great Bear Spring Company (July).....	2 50
The Butler-Ward Company.....	90 00
New York Telephone Company.....	27 80
Western Union Telegraph Company (July).....	3 05
Metropolitan Life Insurance Company (September rent, etc.)....	177 15
W. E. Shepard (services checking cars, etc.).....	240 00
James E. Brazee (August expenses \$51.60).....	35 64
J. M. Dickey (expenses).....	332 00
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	\$2,061 99

Grade Crossing Expenses.

James E. Brazee (August expenses \$51.60)	\$15 96
A. H. Sutermeister (expenses)	24 95
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	\$40 91
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Grade Crossing Construction Account.

New York Central and Hudson River Railroad Company for the State's proportion cost of changing Broadway grade crossing, Van Cortlandt, New York city, to an undercrossing	\$9,720 51
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The Board adjourned.

HORNELL, SEPTEMBER 13, 1906.

Hearings.

Adjourned hearing before Commissioners Dunn and Baker (by delegation of the Board) in the matter of the petition of the mayor and common council of the city of Hornellsville (now Hornell) under section 62 of the Railroad Law, as to changing the Canisteo street grade crossing of the Erie Railroad in said city to an undercrossing, which proposition also involves the grading of Taylor street and Broad street on the approach to said proposed undercrossing. Milo M. Acker, city attorney, for the petitioners; S. E. Brown for the Erie Railroad Company; James A. Parsons for certain taxpayers in favor of the application; Francis M. Cameron for the Coffey estate. After hearing arguments, the evidence was closed but the matter was held open. (Grade Crossing Case No. 337.)

GOSHEN, SEPTEMBER 13, 1906.

Hearings.

Hearings before Commissioners Dunn and Rockwell (by delegation of the Board) in the matter of the application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in the county of Orange. This hearing was on the question of what the crossings shall be in the towns of Deer Park, Mount Hope, Hamptonburg, Blooming Grove, New Windsor, Cornwall and Woodbury and as to the Goshen-Bloomingburg turnpike and crossings designated in the public notice as B-14 and B-15 in the town of Wallkill. G. N. Orcutt, attorney and F. L. Stuart, chief engineer, appeared for the Erie and Jersey Railroad Company; W. L. Dickerson, attorney, George W. Crist, supervisor, and Robert R. White, commissioner of highways, appeared for the town of Hamptonburg; Roderick Robertson, attorney, Charles W. Loomis, supervisor, and John N. Graham, G. Emmett Writer and J. E. Ketcham, highway commissioners, appeared for the town of Mount Hope; Edward J. Collin, attorney, Walter J. Denniston, supervisor, and Patrick Murphy, highway commissioner, appeared for the town of New Windsor; F. M. Williams, C. E., appeared for the state engineer and surveyor; C. E. & S. M. Cuddeback appeared for the highway commissioners of the town of Deer Park; H. W. Chadeayne, supervisor, and John F. Thurston, highway commissioner, appeared for the town of Cornwall; Alex. Thompson, and Mr. Hunter, highway commissioner, appeared for the town of Woodbury; W. H. Brewster, supervisor, appeared for the town of Blooming Grove; W. B. Royce appeared for

the county of Orange and for the town of Wallkill; Dr. Santee, Mrs. Ireland, Mr. Ackerly and Mr. Brown appeared in relation to the Goshen-Bloomington turnpike. After hearing evidence and arguments the evidence at this hearing was closed but the matter was held open. Certain agreements were reached as to various crossings which are embodied in a statement in relation thereto written out by the stenographer and filed with the papers. (Grade Crossing Case No. 600.)

MARLBOROUGH, SEPTEMBER 14, 1906.

Hearings.

Hearing before Commissioner Dickey (by delegation of the Board) in the matter of an accident at a crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at the Marlborough station on September 1, 1906, where two persons were killed. Edward Young, supervisor; J. J. Kaley, justice of the peace; Fred H. Smith, justice of the peace; A. J. Booth, town clerk of the town of Marlborough; R. A. Weed, village clerk of Marlborough; Frank L. Snyder, president of the village of Marlborough; C. A. Hartshorn and David Moasher, trustees of the village of Marlborough; J. Foster Wygant representing Marlborough Grange, and E. Dayton appeared; Cornelius Christie, division superintendent West Shore Railroad, appeared for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was closed. (Steam Case No. 54 — 1906.)

WELLSBURG, SEPTEMBER 14, 1906.

Hearings.

Adjourned hearing before Commissioner Baker (by delegation of the Board) in the matter of the petition of the Erie Railroad Company under section 62 of the Railroad Law, as to changing the River Bridge highway grade crossing of its railroad in the village of Wellsburg to an overcrossing, one of the approaches to said proposed overcrossing to be in the town of Ashland, Chemung county. Reynolds, Stanchfield & Collin (Mr. Lovell appearing) for the petitioner; Knipp, Aldridge & Losie (Mr. Knipp appearing) for the town of Ashland and for Louis Bach a property owner, in opposition; Seymour Lowman, a property owner appeared in person for himself and also for Lewis J. West, a property owner; Boyd McDowell for the village of Wellsburg and for Amos B. Merriam, highway commissioner of the town of Ashland, in opposition. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 618.)

BUFFALO, SEPTEMBER 17, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

In the matter of the application of the Dunkirk Street Railway Company for a certificate under section 59 of the Railroad Law, the Board in executive session heard evidence on the *bona fides* of the enterprise and the financial ability of the projectors to build the road. Later in the day the regular adjourned hearing in this matter was held. (Case No. 3580.)

Adjourned hearing in the matter of the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Bushnell & Metcalf (Mr. Bushnell appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the Buffalo Frontier Terminal Railroad Company, in opposition; Simon Fleischmann for George P. Sawyer, the Hazard Powder Company, the Niagara River Investment Company and Messrs. Barse and Amm, property owners, in opposition. After hearing evidence and arguments a recess was taken in this matter until 2 p. m. (Case No. 3432.)

The Board in executive session heard further evidence on the *bona fides* of the application of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law and of the financial ability of the projectors to build the road, which evidence was closed. (Case No. 3082.)

A hearing was set for 12:30 on the question of cut crossings at points where the Buffalo Southern Railway (Buffalo, Gardenville and Ebenezer Railway) crosses at grade the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company), but no one appeared in this matter until after recess. (Case No. 2325.)

Reports.

Report of Commissioner Dickey, dated September 15, 1906, of his investigation of a grade crossing accident on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) on September 1, 1906, at the Marlborough station. Adopted and recommendations ordered issued to the company. (Steam Case No. 54 — 1906.)

Orders.

Petition of the mayor and common council of the city of Hornellsville (now Hornell), under section 62 of the Railroad Law, as to changing the Canisteo street grade crossing of the Erie Railroad in said city to an undercrossing, which proposition also involves the grading of Taylor street and Broad street on the approach to said proposed undercrossing. Determination, as shown by office original determination on file, that said crossing shall be changed to an undercrossing. (Grade Crossing Case No. 337.)

In the matter of an accident at a highway grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Marlborough, Ulster county, September 1, 1906, recommendations were adopted and ordered issued to the company. (Steam Case No. 54 — 1906.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

In the matter of cut crossings at points where the Buffalo Southern Railway (Buffalo, Gardenville and Ebenezer Railway) crosses the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company), W. L. Marcy appeared for the Buffalo Southern Railway Company and Frank Rumsey appeared for the Pennsylvania Railroad Company. After hearing arguments the hearing was adjourned to a date to be thereafter fixed, the companies in the meantime to endeavor to agree as to cut crossings. A report dated September 12, 1906, was received from the electrical expert in this matter. Ordered filed. (Case No. 2325.)

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Tuesday, September 18, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Adjourned hearing in the application of the Dunkirk Street Railway Company for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Mr. Hatch appearing) and Nellany & Georgi (Mr. Nellany appearing) for the applicant; Evan Hollister for the New York, Chicago and St. Louis Railroad; Thomas D. Powell for the Lake Shore and Michigan Southern Railway Company and for the Dunkirk; Allegheny Valley and Pittsburgh Railroad Company; Jerome B. Fisher for the Erie Railroad Company, in opposition to the proposed railway crossing switch tracks of the Erie Railroad Company in Dunkirk; Frank Rumsey for the Pennsylvania Railroad Company. It was stated by the attorney for the applicant that it was endeavoring to agree with the steam railroads named, except the Erie, as to crossings by the applicant's railway of said steam railroads. After hearing evidence and arguments the hearing was closed if there is filed with this Board a notice or copies of agreements with the companies (except the Erie as stated) that they have agreed as to the crossings, if not the hearing is not closed. Mr. Hatch is to file with the Board an affidavit as to the time of occurrence of an accident at one of the switch track crossings of the Erie Railroad. (Case No. 3580.)

The Board adjourned.

BUFFALO, SEPTEMBER 18, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the matter of the application of the Buffalo, Lake Erie and Niagara Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Appearances as yesterday. After hearing evidence and arguments the hearing was adjourned until Friday, October 12, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. The date for this hearing was subsequently changed to Thursday, October 11, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Erie Railroad Company against the New York Central and Hudson River Railroad Company as to derailing switches at an interlocking plant at Batavia where said railroads cross at grade. W. L. Marcy for the Erie Railroad Company; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company. After hearing arguments the complaint was dismissed and the Board approved the interlocking switch and signal apparatus, under section 36 of the Railroad Law, and consented, under said section, to the discontinuance of the full stop and crossing on signal at this point. (Case No. 3715.)

The Board inspected portions of the proposed routes of the Buffalo, Lake Erie and Niagara Railroad Company and the Buffalo Frontier Terminal Railroad Company.

The Board adjourned.

ROCHESTER, SEPTEMBER 19, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell. Commissioner Baker was attending a meeting of the Street Railway Association in Albany on the question of brakes and the height of steps on street railroad cars.

Hearings.

Adjourned hearing in the application of the Rochester, Scottsville and Caledonia Electric Railroad Company for a certificate under section 59 of the Railroad Law. Lewis & McKay (Mr. Lewis appearing) for the applicant; G. N. Orcutt and C. D. Newton for the Erie Railroad Company, in opposition; John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company, in opposition. After hearing evidence and arguments a recess was taken in this matter until 2 p. m. (Case No. 3532.)

The Board took a recess until 12 m.

AFTER RECESS — 12 M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Tyrrell road highway grade crossing of the Rome, Watertown and Ogdensburg Railroad, its lessor, in the village of Wolcott, Wayne county, the travel thereon to be diverted therefrom by the construction of a new piece of highway south of, adjacent to and parallel with the railroad from the Tyrrell road highway to the Eastport Bay Creek road highway and to cross said railroad at the existing grade crossing of said railroad by the Eastport Bay Creek road highway. Harris & Harris (Mr. Beach appearing) for the petitioner; Joel Fanning for the town of Wolcott, in favor of the petition; George S. Horton for the village of Wolcott, in favor of the petition. After hearing evidence and arguments the hearing was closed. (Grade Crossing Case No. 609.)

Application of the Elmira Water, Light and Railroad Company for approval of an increase of its capital stock from one million dollars (\$1,000,000) to two million dollars (\$2,000,000), and application of the Elmira Water, Light and Railroad Company for consent to the issuance of a first consolidated mortgage for five million dollars (\$5,000,000); these two applications were heard at the same time. Parker, Hatch & Sheehan (Mr. Werner appearing) for the applicant. After hearing evidence and arguments the hearing was closed. (Cases Nos. 3710 and 3711.)

Application of the New York, Auburn and Lansing Railway Company for consent to the issuance of the remaining eight hundred thousand dollars (\$800,000) bonds under a first mortgage consented to by this Board March 1, 1905. E. C. Aiken for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3291.)

Petition of the mayor and common council of the city of Rochester, under section 62 of the Railroad Law, as to changing the Culver road crossing of the New York Central and Hudson River Railroad in said city to an undercrossing. John M. Stull, assistant corporation counsel, for the petitioners; Harris & Harris (Edward Harris appearing) for the New York Central and Hudson River Railroad Company. After hearing arguments the hearing was adjourned until Thursday, September 20, 1906, 1 p. m., at the Court House, Rochester. (Grade crossing Case No. 611.)

Orders.

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Tyrrell road highway grade crossing of the Rome, Watertown and Ogdensburg Railroad, its lessor, in the village of Wolcott, Wayne county, the travel thereon to be diverted therefrom by the construction of a new piece of highway south of, adjacent to and parallel with the railroad from the Tyrrell road highway to the Eastport Bay Creek road highway and to

cross said railroad at the existing grade crossing of said railroad by the Eastport Bay Creek road highway. Determination, as shown by office original determination on file, that the crossing shall be closed and discontinued and the travel diverted by the construction of a new piece of highway to the Eastport Bay Creek road existing grade crossing of said railroad. (Grade Crossing Case No. 609.)

Application of the Elmira Water, Light and Railroad Company for approval of an increase of its capital stock from one million dollars (\$1,000,000) to two million dollars (\$2,000,000). Granted. (Case No. 3710.)

Application of the Elmira Water, Light and Railroad Company for consent to the issuance of a first consolidated mortgage for five million dollars (\$5,000,000). Granted, on condition that but three million six hundred and five thousand dollars (\$3,605,000) bonds under said mortgage shall be issued under this consent and on condition that before the remaining one million three hundred and ninety-five thousand dollars (\$1,395,000) bonds or any portion of said remaining bonds shall be issued under said mortgage further application will be made to this Board for and its consent obtained to the issuance of said remaining one million three hundred and ninety-five thousand dollars (\$1,395,000) bonds or any portion thereof. (Case No. 3711.)

Application of the New York, Auburn and Lansing Railway Company for consent to the issuance of the remaining eight hundred thousand dollars (\$800,000) bonds under a first mortgage consented to by this Board March 1, 1905. Granted. (Case No. 3291.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

The hearing in the application of the Rochester, Scottsville and Caledonia Railroad Company for a certificate, under section 59 of the Railroad Law, was resumed. Appearances as in the morning except that Mr. Rockwell was not present. After hearing evidence and arguments further the hearing was closed. Mr. Orcutt is to file with the Board affidavits of the earnings of the Erie, Lehigh, Buffalo, Rochester and Pittsburgh, and Pennsylvania railroads in the territory proposed to be served by the applicant's railroad. Briefs are to be filed with the Board by Wednesday, October 10, 1906. (Case No. 3532.)

Application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate, under section 59 of the Railroad Laws. William A. Sutherland, Stephen A. McIntire and Erwin E. Shutt for the applicant; Harris & Harris (Edward Harris appearing) for the New York Central and Hudson River Railroad Company; Reynolds, Stanchfield & Collin (Mr. Sayles appearing) for the Delaware, Lackawanna and Western Railroad Company and the Lehigh Valley Railroad Company, in opposition; W. J. Tully for the Corning and Painted Post Street Railway Company and for the Elmira, Corning and Waverly Railway; Edward G. Herendeen for the Elmira Water, Light and Railroad Company, in opposition; W. H. Welch for the Northern Central Railroad relative to proposed crossings of said railroad; Richard T. Dana for the Dansville and Mount Morris Railroad Company, in opposition; G. N. Orcutt and C. D. Newton for the Erie Railroad Company, in opposition. After hearing evidence and arguments the hearing was adjourned until Thursday, September 20, 1906, 9:15 a. m., at the Court House, Rochester. (Case No. 3690.) This hearing takes the place of the hearing in the application of the Rochester and Elmira Electric Railway Company, under section 59 of the Railroad Law, which was adjourned from Corning July 10, 1906, until to-day at Rochester.

The Board adjourned.

ROCHESTER, SEPTEMBER 20, 1906.

The Board met pursuant to adjournment. Present, Commissioners, Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate, under section 59 of the Railroad Law. Appearances as yesterday except that Mr. Welch and Mr. Harris were not present. After hearing evidence and arguments further a recess was taken in this matter until 1 p. m. (Case No. 3690.)

Orders.

Application of the New York and Queens County Railway Company for consent to the issuance of a first and refunding mortgage for ten million dollars (\$10,000,000). Granted, on condition that there shall be issued under this consent but sufficient bonds to refund the existing mortgages and to provide for the improvements in construction and equipment recommended by this Board on this date, amounting in all to eight million dollars (\$8,000,000) and that before the remaining two million dollars (\$2,000,000) bonds or any portion of said remaining bonds shall be issued under said mortgage further application will be made to this Board for and its consent obtained to the issuance of said remaining two million dollars (\$2,000,000) bonds or any portion thereof. In connection with consent to this mortgage it was ordered that the recommendation of the electrical expert as to betterments on this company's railroad and in its equipment which are contained in a report dated duly July 11, 1906, be made the recommendation of this Board. (Case No. 3590.)

Application of the New York and Long Island Traction Company for approval of an increase of its capital stock from one million dollars (\$1,000,000) to one million six hundred thousand dollars (\$1,600,000). Granted, ayes, Commissioners Dunn, Baker and Rockwell; noes, Commissioner Dickey. (Case No. 3573.)

Bills Approved.

The following bill was approved:

General Expenses.

Henry N. Rockwell (expenses) \$287 50

The Board took a recess until 1 p. m.

AFTER RECESS — 1 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

The hearing in the application of the Rochester-Corning-Elmira Traction Company for a certificate, under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing arguments the hearing was adjourned to a date to be thereafter fixed. It was stipulated that the evidence of the lay witnesses as to public convenience and necessity heretofore taken upon the application of the Rochester and Elmira Electric Railway Company shall be read into this case with the same force and effect as though the said witnesses were now personally present and gave the same testimony, the date of the examination of each witness to be given in connection with the reading of his testimony. The applicant

has closed its case except in rebuttal and as to *bona fides* of the enterprise and the financial ability of the projectors to build the road. (Case No. 3690.)

Adjourned hearing in the petition of the mayor and common council of the city of Rochester, under section 62 of the Railroad Law, as to changing the Culver road grade crossing of the New York Central and Hudson River Railroad to an undercrossing. John M. Stull for the petitioners; Harris & Harris (Edward Harris appearing) for the New York Central and Hudson River Railroad Company. After hearing arguments this matter was adjourned indefinitely. (Grade Crossing Case No. 611.)

The Board adjourned.

MIDDLETOWN, SEPTEMBER 27, 1906.

Hearings.

Hearing before Commissioners Dickey and Rockwell (by delegation of the Board) in the matter of the application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in the county of Orange. This hearing was in relation to highways numbered B-13, B-20 and A-1 as set forth in the public notice of hearing. G. N. Orcutt, attorney, and C. K. Conard, assistant engineer for the Erie and Jersey Railroad Company; W. L. Dickerson, attorney for the town of Hamptonburg; W. B. Royce for the county of Orange and for the town of Wallkill; Roderick Robertson, attorney, for the town of Mt. Hope; F. M. Williams, civil engineer for the State Engineer and Surveyor. After hearing evidence and arguments as to these crossings the evidence was closed, but the matter was held open. Commissioners Dickey and Rockwell inspected the proposed crossing B-13. Plans are to be sent to the Board by the Company as to these crossings, B-13, B-20 and A-1; plans for B-20 and A-1 to be in accordance with an agreement between the company and the town on this date. (Grade Crossing No. 600.)

NEW YORK, SEPTEMBER 28, 1906.

Hearings.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell. In the matter of the complaint of R. J. Caldwell against the Brooklyn Heights Railroad Company as to protection of electric third rail on the elevated railroad operated by said company, and also in relation to the protection of the third rail, electric, on the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company), Mr. Caldwell was notified that he might appear before the Board on this date and did not appear. He, however, called up the office on the telephone and asked for permission to appear before the Board at a later date, which permission was granted, the day not being set. (Case No. 3433.)

C. I. Hudson against the St. Lawrence International Electric Railroad and Land Company. Complainant did not appear, nor did anyone representing him appear. F. E. Kessinger appeared for the company. Without the hearing of evidence or arguments the hearing was postponed to a date to be thereafter fixed. (Case No. 3669.)

Application of the Delaware and Southern Railroad Company (steam and electric) for a certificate, under section 59 of the Railroad Law. One witness was sworn in the matter of the *bona fides* of the enterprise and the

ability of the projectors to build the road. C. E. Scott and H. D. Hinman appeared for the applicant company, and are to file with the Board a statement showing persons who will take the bonds under a mortgage if a certificate is granted. (Case No. 3667.)

Samuel G. Tracy, M. D., against the New York City Railway Company as to refusal to give transfers. Complainant appeared in person. Without the hearing of evidence and arguments, the hearing was adjourned to a date to be thereafter fixed. The electrical expert was instructed to report in this matter. (Case No. 3682.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 8, 1906, as to the New York avenue and the Long Swamp road grade crossings of the Long Island Railroad Company near its Huntington station, J. R. Savage, chief engineer of the company, appeared before the Board as to correction of the determination. (Grade Crossing Cases Nos. 614 and 615.)

Orders.

It was ordered that the determination of the Board, under section 62 of the Railroad Law, dated August 8, 1906, as to the New York avenue grade crossing of the Long Island Railroad in the town of Huntington, Suffolk county, shall be corrected as shown by office original corrected determination on file. (Grade Crossing Case No. 614.)

It was ordered that the determination of the Board, under section 62 of the Railroad Law, dated August 8, 1906, as to the Long Swamp road grade crossing of the Long Island Railroad in the town of Huntington, Suffolk county, shall be corrected as shown by office original corrected determination on file. (Grade Crossing Case No. 615.)

Bills Approved.

The following bill was approved:

General Expenses.

William McNeilly (postage stamps)..... \$50 00

The Board adjourned.

WATKINS, SEPTEMBER 29, 1906.

Hearings.

Adjourned hearing before Commissioner Baker (by delegation of the Board) on the petition of the New York Central and Hudson River Railroad Company, lessee of the Syracuse, Geneva and Corning Railway, under section 62 of the Railroad Law, as to the closing and discontinuance of the Moreland road highway grade crossing of the Syracuse, Geneva and Corning Railway in the town of Dix, Schuyler county, situated at a point about one-half mile north of the Beaver Dams station on said railway (said crossing being locally known the Beer's crossing) and the construction of a new piece of highway from the Moreland road highway to a point just north of the Beaver Dams station on said railway, the new piece of highway there to cross the railway at grade. Reynolds, Stanchfield & Collin (Mr. Lovell appearing) for the petitioner; O. P. Hurd for the town of Dix, in opposition; Seaman F. Northrup for F. W. Northrup, L. E. Northrup, A. H. Northrup, William F. Hall and A. H. Moore, property owners, in opposition; George N. Velie for E. N. Bolt, highway commissioner of the town

of Dix, not in opposition if certain conditions were agreed to by the railroad company. After hearing evidence and arguments the evidence was closed, but the matter was held open. Commissioner Baker inspected the crossing and proposed crossing and the locality. (Grade Crossing Case No. 610.)

ALBANY, OCTOBER 3, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

The minutes of the meetings of September 10, 11, 13 (Hornell), 13 (Goshen), 14 (Wellsburg), 14 (Marlborough), 17, 18, 19, 20, 27, 28 and 29, 1906, were read and approved.

Hearings.

Adjourned hearing in the application of the Malone, Fort Covington and Hopkins Point Railway Company for a certificate, under section 59 of the Railroad Law. W. F. Wenright, president of the company, for the applicant. Without the taking of evidence or the hearing of arguments the hearing was adjourned until Wednesday, October 17, 1906, 10 a. m., at the office of the Board in Albany. After this hearing was adjourned S. F. Carr for Moot, Sprague, Brownell & Marcy, representing the Grand Trunk Railway Company, in opposition, appeared. (Case No. 3686.)

Applications.

Application of the Schenectady and Margaretville Railroad Company (steam) for a certificate, under section 59 of the Railroad Law. Ordered hearing set for Thursday, October 18, 1906, 11:30 a. m., at the office of the Board in Albany. (Case No. 3744.)

Application of the Hancock and East Branch Railroad Company (steam) for a certificate, under section 59 of the Railroad Law. Ordered hearing set for Thursday, October 18, 1906, 11:30 a. m., at the office of the Board in Albany. (Case No. 3745.)

Hearings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 19, 1904, as to the Cady's grade crossings of the Boston and Albany Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in the town of Chatham, Columbia county, and modified determination, dated December 21, 1904, A. B. Gardenier, attorney for the company, appeared before the Board and filed with it a notice of hearing on this date served on certain persons in an application for a modification of the determination, the application being made verbally and by Mr. Gardenier to-day, who filed with the Board a proposed form of determination that the modification should be made as stated therein. The hearing was closed. Mr. Gardenier entered the appearance of Eben Cady for Norman Cady, a property owner. (Grade Crossing Case No. 494.)

The hearing in the matter of the complaint of James Ackroyd & Sons against The Delaware and Hudson Company and the New York Central and Hudson River Railroad Company as to freight charges which was to have been held to-day was not held, complainants and companies agreeing to an adjournment. The adjourned hearing will be held at the office of the Board in the Capitol, Albany, on Wednesday, October 17, 1906, 10:30 a. m. (Case No. 3644.)

Application of the New York and Port Chester Railroad Company for consent of this Board to the issuance of a first mortgage for twenty million dollars (\$20,000,000); and application of said company for approval of this Board of an increase of its capital stock from two hundred and fifty thou-

sand dollars (\$250,000) to twenty million dollars (\$20,000,000). The matters of these two applications were called as one case. W. C. Trull and Frank Sullivan Smith for the applicant; Louis Marshall for the New York Railroad and Development Company in opposition; J. T. Richards for the New York, Westchester and Boston Railway Company in opposition. Without the hearing of evidence and after discussion the hearing was adjourned until Wednesday, October 31, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Cases Nos. 3732 and 3733.)

Application of the Greenwich and Johnsonville Railway Company, under section 60 of the Railroad Law, for a determination of the manner in which its single track branch railroad to be constructed from the village of Greenwich to the town of Salem in Washington county shall cross streets and highways. Herbert Van Kirk, counsel, and I. C. Blandy, president of the company, for the application; Frank H. Mason for the trustees of the village of Greenwich and for Richard H. Barber, a property owner; F. H. Hillman, commissioner of highways town of Easton, and D. L. Valentine, commissioner of highways town of Jackson, and James L. Cowan, Andrew Skelly, W. A. Skelly, and Jesse V. Palmer, property owners, also appeared in person. After hearing evidence and arguments the evidence was closed as to all of the crossings except Nos. 5, 16 and 17. Subsequently an adjourned hearing in relation to all the crossings was held in Albany on October 17. (Grade Crossing Case No. 628.)

Orders.

Application of the Boston and Albany Railroad Company (leased to and operated by the New York Central and Hudson River Railroad Company) for a modification of the determination of this Board, under section 62 of the Railroad Law, dated July 19, 1904, and modified determination, dated December 21, 1904, as to the Cady's grade crossings of the railroad of said company in the town of Chatham, Columbia county. Ordered said determinations of July 19, 1904, and December 21, 1904, modified, as shown by office original determination on file. (Grade Crossing Case No. 494.)

The Board took a recess until 2:30 p. m.

AFTER RECESS — 2:30 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Catskill Mountain and Mohawk Valley Railway Company (street surface) for a certificate under section 59 of the Railroad Law. At this hearing the matter was closed and summed up. The matter was summed up by H. C. Henderson for the applicant, L. E. Carr for The Delaware and Hudson Company and H. C. Mitchell for the Catskill Electric Railway Company. (Case No. 3500.)

Complaints.

Arthur G. Qua against the Boston and Maine Railroad as to delivery of coal at Saratoga Springs. Reply of complainant to answer of company received. Ordered filed. This case was closed on the minutes of September 10, 1906, and is not re-opened. (Case No. 3700.)

Application of the Brooklyn Heights Railroad Company as lessee of the Brooklyn Union Elevated Railroad, under section 34 of the Railroad Law, as to temporary closing of the Avenue C station on its Brighton Beach line during the progress of certain work of depressing its tracks. Letter, dated September 17, 1906, received from the company withdrawing the application.

This matter is carried under complaints because of recommendations dated September 14, 1906, to the company and complaints received from residents as to trains not stopping at this station. The case is closed, as the trains now stop as heretofore. Closed. (Case No. 3705.)

B. G. Wooden and others against the New York Central and Hudson River Railroad Company as to crossing of the Pennsylvania division of said company's railroad near the northeast boundary line of the city of Geneva. Letter dated September 14, 1906, received from the company. Copy sent complainants. Report dated September 12, 1906, received from the inspector of grade crossings. Copy sent company and complainants. Letter dated September 17, 1906, received from Mr. Wooden stating that the cause of complaint had been removed. Closed. (Case No. 3717.)

Winthrop & Stimson for a client, Winthrop Chanler, against the Erie Railroad Company as to barbed wire fence of said company along Mr. Chanler's farm. Letter dated September 29, 1906, received from the company stating that the fence in question has been replaced with a woven wire fence. The complainants were notified of this statement. Closed. (Case No. 3655.)

William H. T. Moore against the Brooklyn Heights Railroad Company as to service rendered the public on its Sumner avenue line from Bergen depot on the night of August 25. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered filed. Closed. (Case No. 3696.)

E. C. Bridgman against the Staten Island Rapid Transit Railway Company as to ringing of bells, blowing of whistles and blowing off of steam and smoke of locomotives. Report dated September 22, 1906, received from the inspector of grade crossings. Copy sent complainant. Letter dated September 26, 1906, received from complainant. Ordered carried on file. (Case No. 3653.)

S. L. Merrill of Carthage against the New York Central and Hudson River Railroad Company as to delays in shipment of freight from Theresa to Carthage and from Albany to Carthage. Letter dated September 25, 1906, received from company. Ordered referred to Commissioners Baker and Rockwell to hold a hearing at Carthage. (Case No. 3647.)

Forrest Seed Company of Cortland against the Delaware, Lackawanna and Western Railroad Company as to shipment (originating at Cortland) to Martin Brothers at Deposit, N. Y. Answer of company received. Copy sent complainant. Letter dated September 25, 1906, received from complainant. Closed, the cause of complaint having been removed. (Case No. 3698.)

John F. Seevany against the Brooklyn Heights Railroad Company as to service rendered the public on its surface and elevated lines. Answer of company received. Copy sent complainant. Closed. Ordered that the electrical expert be notified he need not report in this matter. (Case No. 3714.)

T. J. Johnston against the Brooklyn Heights Railroad Company as to service rendered the public. Report dated September 13, 1906, received from the electrical expert. Ordered copy sent complainant. Closed. (Case No. 3657.)

J. H. Burtis, Jr., of Hunter, against the Ulster and Delaware Railroad Company as to failure to furnish seats for passengers on trains. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3723.)

Charles Borchert against the Brooklyn Heights Railroad Company as to number of cars in its trains operated on its Ridgewood elevated line and as to lengthening of platforms of stations on said line. Copy sent company. The electrical expert is to make a report in this matter. (Case No. 3739.)

A. C. Deyoe against the Lehigh Valley Railroad Company as to the physical condition of its railroad from Elmira to Canastota, particularly between Cazenovia and Freeville. Report dated September 13, 1906, received from the inspector. Ordered that the inspector make another report in this matter. (Case No. 3704.)

John R. Dorland of Rayville against the Rutland Railroad Company as to its fence along his farm. Copy sent company. Answer of company received that the fence would be put in proper condition. Ordered filed. (Case No. 3725.)

P. B. Carpenter of Stephentown against the Rutland Railroad Company as to construction of fence crossing of its railroad adjoining his farm and as to construction of fence on its right of way along his farm. Letter dated September 28, 1906, received from the company that the farm crossing had been placed in a satisfactory condition and that the fence would be. Copy sent complainant. (Case No. 3670.)

S. B. Hadsell of Lebanon Springs against the Rutland Railroad Company as to condition of its fence adjoining his farm. Letter dated September 28, 1906, received from the company stating that the fence would be constructed. Copy sent complainant. (Case No. 3616.)

Town board of the town of Newfane, Niagara county, against the International Railway Company as to condition of track of said company on Mechanics street in said town. Copy sent company. (Case No. 3740.)

James J. Lawless of the town of West Seneca, Erie county, against the Lehigh and Lake Erie Railroad Company as to construction of crossing of said company's railroad of the Abbott road in said town. Report dated September 14, 1906, received from the inspector of grade crossings. Copy sent complainant. Closed. (Case No. 3708.)

S. P. Kurzman against the Long Island Railroad Company in relation to highway crossing at grade of said railroad at its Cedarhurst station. Answer of company received. Copy sent complainant. Closed. (Case No. 3693.)

James S. Root against the Rochester and Eastern Rapid Railway Company as to speed of cars and as to running-boards on open cars. Report dated September 12, 1906, received from the electrical expert. Copy sent complainant. Closed. (Case No. 3703.)

Alison Orts against the Brooklyn Heights Railroad Company as to operation of cars on its Fifth avenue line after midnight from the Thirty-ninth street ferry; and as to operation of its line after 1:30 in the morning from Coney Island. Letter dated September 25, 1906, received from the company to the effect that the recommendation of the Board as to service on the Thirty-ninth street ferry line will be complied with. Copy sent complainant. Ordered that the electrical expert make another report in this matter. (Case No. 3592.)

Residents of the town of Scarsdale, Westchester county, against the Tarrytown, White Plains and Mamaroneck Railway Company as to service rendered the public. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainants received. Referred to Commissioners Baker and Rockwell; the electrical expert has also been instructed to report in this matter. (Case No. 3724.)

F. W. Gardner against the Rutland Railroad Company as to condition of its fence along his farm at Petersburg Junction. Letter dated September 19, 1906, received from the company that the fence would be constructed. Copy sent complainant. (Case No. 3624.)

Walter B. James, M. D., of New York city, against the Delaware and Hudson Company, as lessee of the Chateaugay and Lake Placid Railway, as to passenger fare charged from Saranac to Lake Placid. Copy sent company. (Case No. 3731.)

Ossining Board of Trade against the Westchester Traction Company as to condition of its railroad and as to service rendered the public. Copy sent company. Answer of company received. Copy sent complainants. Referred to Commissioner Rockwell. The electrical expert is also to report in this matter. (Case No. 3735.)

Erie Railroad Company against the New York Central and Hudson River Railroad Company as to derailing switches at interlocking plant at Batavia where said railroads cross at grade. This plant has been approved by this Board. Report dated October 1, 1906, received from the superintendent of the grade crossing bureau. Letter dated October 2, 1906, received from the New York Central and Hudson River Railroad Company. Ordered letters written said company and the Erie Railroad Company, as shown by office original letters on file. (Case No. 3715.)

A letter dated September 21, 1906, was received from Adolph Bloch, representing the House and Real Estate Owners' Association of the Twelfth and

Nineteenth Wards, Manhattan, New York city, as to change of motive power on the First avenue line of the New York City Railway. Letter dated September 22, 1906, written the company on this subject. (Case No. 2804.)

E. A. Bedell against the Albany and Hudson Railroad Company as to services rendered the public. Letter dated September 18, 1906, received from the company in relation to compliance with the recommendation of the Board as to the company procuring five additional passenger cars. Ordered filed. (Case No. 3402.)

Joseph Beihlf against the Interborough Rapid Transit Company (lessee, Manhattan Railway) as to failure to construct a station on the northbound track, One Hundred and Thirtieth street and Eighth avenue. Ordered referred to Attorney-General for his consideration and action. (Case No. 3439.)

S. W. Turner against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to the One Hundred and Sixteenth street and Eighth avenue station of the Manhattan Railway. Report dated September 12, 1906, received from the electrical expert as to operation of elevators at this station. Ordered filed. (Case No. 3275.)

In the matter of recommendations of this Board dated August 24, 1906, to the Union Railway Company as to procuring additional passenger cars, etc., a letter dated September 25, 1906, was received from the company as to compliance with the recommendations. Ordered that this matter be turned over to the Attorney-General for his consideration and action. (Case No. 3692.)

In the matter of the determination of this Board dated August 28, 1906, in the complaint of John Dort and C. J. Beardsley of Oramel, Allegany county, against the Pennsylvania Railroad Company as to its station at Oramel, a letter dated September 20, 1906, was received from the company asking that this matter be re-opened and further hearing given. Ordered company be notified that the Board will not re-open this matter. (Case No. 3569.)

Merton Reynolds, clerk of the town of Torrey, Yates county, against the New York Central and Hudson River Railroad Company as to the condition of the highway grade crossings of said company's railroad in said town. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3719.)

Investigation by Commissioners Baker and Rockwell in the matter of the operation of trains to and from Grand Central station, New York city. (Case No. 3738.)

Frank J. Lang against The Brooklyn Heights Railroad Company as to operation of cars on the Brooklyn Bridge and as to operation of trains on the Lexington avenue line of said company. Report dated September 12, 1906, received from the electrical expert. Copy sent company with letter of recommendation dated September 14, 1906, as to six car trains. Letter dated September 21, 1906, received from the company stating that the recommendations are being complied with. Copy sent complainant. Ordered again closed. (Case No. 3635.)

I. Stone against the New York Central and Hudson River Railroad Company as to delay in shipment of freight to Carthage. Copy sent company. Answer of company received. Copy sent complainant. Referred to Commissioners Baker and Rockwell to hold a hearing at Carthage. (Case No. 3718.)

William H. T. Moore against The Brooklyn Heights Railroad Company as to rebate tickets and identification checks on the Brighton Beach line of said company. Answer of company received. Copy sent complainant. Closed. (Case No. 3697.)

John P. Kelley of Old Chatham against the Rutland Railroad Company as to condition of its fence along his farm. Letter dated September 28, 1906, received from the company stating that it had arranged to begin the erection of this fence. Copy sent complainant. (Case No. 3666.)

H. P. Quick against The Brooklyn Heights Railroad Company as to lighting of cars of said company (Brighton Beach line) when in underground crossings of streets between Beverly road, and Park place; as to the lighting of such underground crossings and as to giving passengers check for second fare. Letter dated September 10, 1906, received from the company stating that it had complied with the recommendation of the Board as to the lighting of the underground passages. Copy sent complainant. Report dated September 12, 1906, received from the electrical expert to the same effect. Closed. (Case No. 3611.)

William P. Gregg and village of Port Jervis against the Milford, Matamoras and New York Railroad Company as to obstruction of the Delaware river by bridge being built by said company across the river from Port Jervis and as to fear that the construction of the piers of the bridge will result in damage to the dyke constructed by the State at that point. Report dated September 19, 1906, received from the inspector of grade crossings. Ordered filed. Closed. (Case No. 3689.)

A. Andriess against the Richmond Light and Railroad Company as to operation of cars on its Silver Lake line. Copy sent company. The electrical expert has been instructed to report in this matter. (Case No. 3726.)

S. L. Blumenson against Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) in relation to stations on the Second and Third avenue line of the Manhattan Railway, particularly the station at Rivington and Allen streets. Copy sent company. The electrical expert has been instructed to report in this matter. (Case No. 3742.)

H. Cotton against the Erie Railroad Company as to fence of that company along his farm. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3730.)

Claremont Heights Property Owners' Association against the Union Railway Company as to that company extending its railway along Morris avenue from One Hundred and Sixty-first street. Copy sent company. Answer of company received. Copy sent complainants. (Case No. 3720.)

F. W. Allen against The Long Island Railroad Company as to excess passenger fare charged between Flatbush avenue, Brooklyn, and Jamaica, and in relation to local and express trains not being indicated as such at Jamaica. Letter dated September 12, 1906, received from the company stating that it had arranged to issue refund checks when excess fares are collected on trains from passengers who have no tickets. Copy sent complainant. Closed. (Case No. 3650.)

W. F. Stone against The Brooklyn Heights Railroad Company as to flagman at a grade crossing on its Brighton Beach Division at the Beverly road highway. Reply of complainant to answer of company received. Report dated September 12, 1906, received from the electrical expert. Ordered filed. Closed. (Case No. 3679.)

E. Y. Wooley against the New York Central and Hudson River Railroad Company as to its 8:45 a. m. train from Utica on September 13, 1906, being overcrowded. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant to answer of company received. Letter dated September 28, 1906, written company. (Case No. 3721.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Report dated September 12, 1906, received from the electrical expert. Copy sent company with a letter of recommendation dated September 14, 1906. Another report in this matter dated September 12, 1906, was received from the electrical expert. Ordered filed. (Case No. 3222.)

Louis H. Pink and others against New York City Railway Company as to operation of its East Side lines. Letter dated August 16, 1906, was received from complainant as to change of motive power on these lines. Letter dated August 17, 1906, written company in regard to compliance with the recommendations of this Board of March 28, 1906, as to change

of motive power on these lines. Letter dated August 20, 1906, received from company. Copy sent complainant. (Case No. 3524.)

The matter of the failure of railroad companies to make quarterly reports was closed. (Case No. 3388.)

Applications.

Application of the New York Central and Hudson River Railroad Company and the Pennsylvania Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus to be installed at crossing at grade of said company's railroads at Emslie street, Buffalo. Ordered hearing set for Friday, October 12, 1906, 10:30 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3722.)

Application of the Chautauqua Traction Company, under section 68 of the Railroad Law, as to crossing the Lake Shore and Michigan Southern Railway on Portage street in the village of Westfield on the existing bridge carrying said Portage street over said railway. Ordered hearing set for Friday, October 12, 1906, 10 a. m., Hotel Iroquois, Buffalo. (Case No. 3743.)

Application of the Carthage and Copenhagen Railroad Company for consent to the issuance of a first mortgage for sixty thousand dollars (\$60,000). Ordered hearing set for Wednesday, October 17, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3741.)

Application of the Delaware, Lackawanna and Western Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of said company's railroad and the Lehigh Valley Railroad just west of Thurston street, Elmira, and for consent to the discontinuance of the full stop and crossing on signal at said crossing. Ordered hearing set for Tuesday, October 23, 1906, 12:30 p. m., at the common council chamber, City Hall, Elmira. (Case No. 3736.)

Application of the New York Central and Hudson River Railroad Company for approval of an increase of its capital stock from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000) and for approval of the issuance of the remaining five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock referred to in a supplemental determination of this Board dated November 29, 1905. Ordered hearing set for Thursday, October 4, 1906, 11 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3737.)

Reports.

The matter of proposed use of third rail electric by the New York Central and Hudson River Railroad in the operation of trains was closed. (Case No. 3379.)

Report dated September 11, 1906, received from the inspectors of grade crossings that derailling switches and copper trough have not been constructed on the track and on the trolley wire of the Cortland County Traction Company where its railroad crosses the Syracuse, Binghamton and New York Railroad at grade at Elm street, Cortland, in pursuance of a determination of this Board, under-section 68 of the Railroad Law, dated May 29, 1902. Ordered letter written company on the subject. (Case No. 2677.)

Report dated September 13, 1906, received from the inspector that a new station building has been constructed at Sherman Park on the New York and Harlem division of the New York Central and Hudson River Railroad Company. Ordered filed. (Case No. 3393.)

In the matter of the recommendations of this Board, contained in its letter of September 10, 1906, to the Olean Street Railway Company as to the placing of metal troughs on its trolley wires at points where its railway crosses the Pennsylvania Railroad in Olean, letter dated September 14, 1906, was received from the company stating that the recommendations would be complied with. In the matter of the recommendations of the Board to the Jamestown Street

Railway Company, contained in a letter dated September 10, 1906, that it place metal troughs on its trolley wires at a point where its railway crosses the Jamestown, Chatauqua and Lake Erie Railroad, and at two points where its railway crosses the Erie Railroad in Jamestown, a letter dated September 14, 1906, was received from the company stating that the recommendations would be complied with, except that there is only one crossing by its railway of the Erie where a trough has not been placed; that at the other point where it crosses the Erie there is already a trough. Ordered filed. Closed. (Case No. 3691.)

In the matter of the recommendations of this Board to the Fonda, Johnstown and Gloversville Railroad Company as to installation of derailing switches in its electric tracks at points where the electric tracks cross the steam tracks of said company, letter dated September 14, 1906, was received from the company. Ordered letter written company, as shown by copy on file. (Case No. 3215.)

In the matter of the recommendations of this Board, contained in a letter dated September 10, 1906, to the Syracuse Rapid Transit Railway Company as to said company constructing metal troughs on its trolley wires at points where its railway crosses steam railroads in Syracuse, letter dated September 14, 1906, was received from the company stating that the recommendations would be complied with. Ordered filed. Closed. (Case No. 3712.)

In the matter of the high potential wire pole line of the Utica and Mohawk Valley Railway Company at Pleasant street, Frankfort, a report dated September 12, 1906, was received from the electrical expert. Ordered filed. This case was closed on the minutes of November 30, 1904, and is again closed. (Case No. 2890.)

In the matter of the recommendations of this Board to the Wallkill Transit Company as to cut crossing frog and copper trough on trolley wire at a point in North street, Middletown, where said company's railroad crosses at grade the Erie Railroad, letter dated September 27, 1906, was received from the company to the effect that these recommendations would be complied with. Report on this subject dated September 22, 1906, was received from the inspector of grade crossings. Ordered inspector of grade crossings make another report. (Case No. 3340.)

In the matter of the dropping of a crown sheet on engine 5949 of the Lake Shore & Michigan Southern Railway Company, June 2, 1906, at a point west of Dunkirk, letter dated August 31, 1906, was received from the company. Ordered filed. (Steam Case No. 63.)

In the matter of the report of the inspector of locomotive boilers as to the boiler of locomotive No. 5 of the Schoharie Valley Railway Company, a further report dated September 28, 1906, was received from the inspector of locomotive boilers as to steam pressure being limited to 110 pounds. Ordered filed. (Locomotive Boiler Case No. 1.)

Report dated September 21, 1906, of the inspector of locomotive boilers of his inspection of locomotive boilers on the Bath and Hammondsport Railroad. Ordered filed. (Locomotive Boiler Case No. 9.)

Report dated September 28, 1906, of the inspector of locomotive boilers as to signatures to locomotive boiler certificates from the Pennsylvania Railroad Company. Ordered filed. (Locomotive Boiler Case No. 10.)

Report dated September 21, 1906, of the inspector of locomotive boilers as to locomotive boilers Nos. 10 and 51 of the Lowville and Beaver Railroad. A copy of this report was sent to the company with a letter of recommendation dated September 25, 1906. Letter dated September 26, 1906, received from the company. Ordered further letter written company. (Locomotive Boiler Case No. 8.)

Report dated September 8, 1906, of the inspector of locomotive boilers as to the certificates of inspection of boilers of the New York, New Haven and Hartford Railroad Company not being properly signed. Ordered letter written company, as shown by copy on file. (Locomotive Boiler Case No. 7.)

In the matter of the report of the inspector of his inspection of the railroads operated by the New York, Ontario and Western Railway Company in

this State, a letter dated September 13, 1906, was received from the inspector. Ordered filed. (No. 7 — 1906.)

Report of the inspector dated September 14, 1906, of his inspection of the Bath and Hammondsport Railroad. Ordered copy sent company with letter of recommendation, as shown by office original letter on file. (No. 22 — 1906.)

Report of the inspector, dated September 14, 1906, of his inspection of the railroads operated by the Northern Central Railway in this State. Ordered copy sent company with letter of recommendation, as shown by office original letter on file. (No. 21 — 1906.)

Report of the inspector dated September 14, 1906, as to fireman John Sullivan of extra freight train No. 798 on The Delaware and Hudson Company's railroad probably striking a water column at Central Bridge. A copy of this report with a letter of recommendation dated September 17, 1906, was sent to the company. (Steam Case No. 49 — 1906.)

Report of the inspector, dated September 13, 1906, as to a collision between a passenger train and a switch engine on the Western New York and Pennsylvania Railway, near Ebenezer, August 30, 1906. Ordered copy sent company. (Steam Case No. 52 — 1906.)

Report of the inspector, dated September 13, 1906, as to collision between a train and a locomotive at a switch on the Erie Railroad at Port Jervis, July 15, 1906. Ordered copy sent company. (Steam Case No. 45 — 1906.)

Report dated September 24, 1906, of the inspector of locomotive boilers as to an accident to New York, Ontario and Western Railway engine No. 164. September 5, 1906, about one mile north of Hamilton. Ordered copy sent company. (Steam Case No. 53 — 1906.)

Report dated September 13, 1906, of the electrical expert as to derailment of a car on the Niagara Gorge Railroad near the Whirlpool Rapids station, July 4, 1906. Ordered copy sent company. (Street Case No. 34 — 1906.)

In the matter of an accident at the Nepperhan avenue grade crossing of the New York and Putnam division of the New York Central and Hudson River Railroad and the Yonkers Railroad. July 3, 1906, a report dated July 6, 1906, was received from Commissioner Rockwell, and a report dated September 12, 1906, was received from the electrical expert to the effect that the company has promised that copper troughs will be placed on the trolley wires at the Nepperhan and Dunwoodie grade crossings of said railroad. The electrical expert has been instructed to report if these troughs have been installed. (Steam Case No. 42 — 1906.)

In the matter of an accident which occurred at the Ferry street grade crossing of the International Railway and the Erie Railroad in Buffalo, January 20, 1906, a letter dated October 1, 1906, was received from the company. Ordered filed. (Street Case No. 7 — 1906.)

In the matter of the report and recommendations of the Board, dated September 17, 1906, growing out of a grade crossing accident on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Marlborough, Ulster county, on September 1, 1906, a letter dated September 19, 1906, was received from the company, and letters dated September 20 and October 1 were received from the supervisor of the town of Marlborough. Ordered carried on file. (Steam Case No. 54 — 1906.)

Report of the inspector dated September 13, 1906, as to compliance by the Erie Railroad Company with recommendation of the Board as to moving of crossing gates at RX tower near Corning. Ordered filed. (Steam Case No. 15 — 1906.)

Report of the electrical expert dated September 12, 1906, to the effect that the Board's recommendation in reference to signals at Fifty-third street and Ninth avenue on the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) has been complied with. Ordered filed. (Street Case No. 28 — 1905.)

In the matter of the recommendation of this Board as to interlocking plant at Ravena on the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company), a letter dated

September 25, 1906, was received from the company. Ordered letter written company as shown by copy on file. (Steam Case No. 30 — 1906.)

In the matter of the recommendations of this Board to the International Railway growing out of a collision on a switch at Martinsville on the Lockport and Olcott branch, a letter dated September 27, 1906, was received from the company as to compliance with the recommendation which is as to wrecking tools. Ordered letter written the company, as shown by copy on file. (Street Case No. 37 — 1906.)

Crossings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the North highway or Cherry Tree road grade crossing of its railroad in the town of Southampton, Suffolk county, situated at a point about 9,440 feet east of the Good Ground station on said railroad, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of the railroad proposed to be constructed at a point about 75 feet east of the existing grade crossing. Ordered hearing set for Thursday, November 1, 1906, 1:30 p. m., at the Shinnecock Hills station on said railroad. (Grade Crossing Case No. 631.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Clay Pit highway grade crossing of its railroad in the town of Southampton, Suffolk county, situated at a point 160 feet west of the Shinnecock Hills station on said railroad, the travel thereon to be diverted therefrom by the existing Clay Pit road highway and by other existing highways to an undercrossing of said railroad proposed to be constructed about 200 feet west of the existing grade crossing. This work is to be done without expense to the town or the State. Ordered hearing set for Thursday, November 1, 1906, 1 p. m., at the Shinnecock Hills station on said railroad. (Grade Crossing Case No. 630.)

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the St. Andrews road highway grade crossing of its railroad in the town of Southampton, Suffolk county, situated at a point 1,985 feet easterly from the Golf Grounds station on said railroad, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad proposed to be constructed at a point about 240 feet east of the present crossing; access to said undercrossing will also be provided from the Montrose road highway and the Squaw Hill road highway. Ordered hearing set for Thursday, November 1, 1906, 2 p. m., at the Shinnecock Hills station on said railroad. (Grade Crossing Case No. 633.)

Petition of the Lake Shore and Michigan Southern Railway Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Strong highway and the Erie Stage road highway grade crossings of its railroad in the town of Brant, Erie county, at Irving, the travel thereon to be diverted therefrom by existing highways on the south of said railroad and by the construction of a new piece of highway on the north of said railroad to an undercrossing of said railroad proposed to be constructed near the plant of the Erie Preserving Company. Ordered carried on file. (Grade Crossing Case No. 634.)

In the matter of the determination of this Board, under section 62 of the Railroad Law dated March 27, 1906, as to the closing and discontinuance of a grade crossing of the Long Island Railroad by the Country road or Forge road highway in the town of Riverhead, Suffolk county, the travel thereon to be diverted therefrom by the construction of a new piece of highway to an overhead bridge crossing of said railroad to be located at another point, the State and the town to bear none of the expense, in which plans were approved by this Board on September 11, 1906 (see minutes), on condition that the abutments should have wing-walls — a letter dated September 28, 1906, was received from the company in relation to the additional cost of the wing-walls on the abutments being provided. Ordered

letter written company that the plans are approved without wing-walls. (Grade Crossing Case No. 588.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated September 13, 1904, as to changing the North Union street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing of the railroad, a blue print plan showing change in the location of a fence at the north approach to this undercrossing was submitted to the Board by the company, together with a report thereon dated October 1, 1906, from the superintendent of the grade crossing bureau. Ordered said change in location of fence approved. (Grade Crossing Case No. 416.)

Report of the superintendent of the grade crossing bureau dated October 2, 1906, as to expenditures in elimination of grade crossings of railroads in Schenectady. Ordered carried on file. (Grade Crossing Case No. 369.)

In the matter of the determination of this Board, under section 62 of the Railroad Law dated August 24, 1905, as to changing the Caskey's grade crossing of the Erie Railroad at Sparrow Bush in the town of Deer Park, Orange county, to an undercrossing, a letter dated September 20, 1906, was received from the company, together with a plan showing extension of masonry for four tracks at this undercrossing. the expense of such extension to be borne entirely by the company. Ordered letter written company that the Board has no objection to this extension of masonry on condition that the entire expense of the extension will be borne by the company. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board, under section 62 of the Railroad Law dated August 8, 1906, as to the closing and discontinuance of the Horse Block road grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, situated at a point about 8,450 feet distant easterly from the Medford station on said railroad. Ordered completed work approved. In this case the railroad's fence has been constructed across this crossing at an expense of but \$4.70; neither the town nor the State is to bear a portion of the expense. (Grade Crossing Case No. 607.)

In the matter of the determination of this Board, under section 62 of the Railroad Law dated August 8, 1906, as to the closing and discontinuance of a grade crossing of the Long Island Railroad by the River road highway at Eastport in the town of Southampton, Suffolk county, and the construction of new pieces of highway and an overhead bridge crossing of said railroad to be located a short distance to the west of the present grade crossing, general plans and profiles and detail plans for the superstructure and masonry (blue print) were submitted to the Board by the company, together with a report thereon dated October 1, 1906, from the superintendent of the grade crossing bureau. It is also stated by the company in a letter dated September 19, 1906, that in the future a fuller set of plans and a set of specifications for this work will be submitted here. An estimate for the work amounting to seven thousand five hundred and thirty-five dollars (\$7,535) was also submitted to the Board by the company. Ordered said plans and estimate of expense approved. (Grade Crossing Case No. 528.)

In the matter of the determination of this Board, under section 60 of the Railroad Law dated August 10, 1904, as to the Buffalo and Susquehanna Railway crossing streets, avenues and highways in the county of Erie, a notice by Lawrence Dole and a notice by Bessie Miller Fox of claims for damages in relation to the Clark street crossing in the town of Hamburg were filed with the Board, purporting to be filed here under section 65 of the Railroad Law. Ordered filed. (Grade Crossing Case No. 478.)

Orders.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing

of said company's railroad by the Glen Cove Back road highway in the town of Oyster Bay, Nassau county. Determination as shown by office original determination on file. (Grade Crossing Case No. 603.)

Bills Approved.

The following bills were approved:

General Expenses.

Frank M. Baker, expenses.....	\$65 00
C. R. Barnes, expenses.....	89 09
W. E. Shepard, expenses.....	70 00
Karl F. Colson, expenses.....	28 10
Stanley P. Wells, expense.....	53 00
W. M. Davis, expenses.....	25 00
J. D. Shultz, expenses.....	64 15
John T. Kane, stenographer's services.....	80 00
St. Elmo Hotel, Goshen, N. Y.....	5 00
Underwood Typewriter Company.....	3 00
American Express Company.....	10 83
National Express Company.....	19 47
"Klips," E. C. Cuyler, Secretary-Treasurer.....	25 00
F. D. Sargent.....	18 00
Smith Premier Typewriter Company.....	13 75
Hudson Valley Paper Company.....	24 15
Metropolitan Life Insurance Company.....	177 15
G. E. Argersinger (P. O. box rent).....	4 00
Western Union Telegraph Company.....	3 87
Postal Telegraph-Cable Company.....	13 06
A. H. Clapp.....	27 35
	<hr/>
	\$818 97

Grade Crossing Expenses.

Frank M. Baker, expenses.....	\$20 00
James E. Brazee, expenses.....	51 55
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	\$71 55

The Board adjourned.

NEW YORK, OCTOBER 4, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of The New York Central and Hudson River Railroad Company for approval of an increase of its capital stock from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000) and for approval of the issue of the remaining five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock referred to in a supplemental determination of this Board dated November 29, 1905. Ira A. Place for the applicant. After hearing evidence and arguments the hearing was closed. (Cases Nos. 2665 and 3737.)

Complaints.

In the matter of the recommendation of this Board to the Interborough Rapid Transit Company (lessee Manhattan Railway) as to elevators at the One Hundred and Twenty-fifth street and Eighth avenue station on the Manhattan Railway, the failure of the company to comply with the recommendation was ordered referred to the Attorney-General for his consideration and action. (Case No. 3541.)

Orders.

Application of the New York Central and Hudson River Railroad Company for approval of an increase of its capital stock from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000) and for approval of the issuance of the remaining five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock referred to in a supplemental determination of this Board dated November 29, 1905. Ordered approved said issue of said remaining five hundred and fifty-seven thousand five hundred dollars (\$557,500) capital stock; and ordered approved the increase of said company's capital stock from one hundred and fifty million dollars (\$150,000,000) to two hundred and fifty million dollars (\$250,000,000) provided that not to exceed twenty-nine million two hundred and eighty-two thousand and sixty dollars (\$29,282,060) of said increase of one hundred million dollars (\$100,000,000) capital stock shall be issued without further authority of this Board. (Cases Nos. 2665 and 3737.)

The Board adjourned.

TEBY, OCTOBER 6, 1906.

Present, Commissioners Baker, Dickey and Rockwell.

Investigation by the Board of a rear-end collision between passenger trains on the Boston and Maine Railroad at Lansingburg station, October 4, 1906. After hearing evidence and arguments the investigation was closed except so far as the taking of the statement of Engineer Halloran of train No. 1060, which was taken by Inspector Shultz on October 8.

CUBA, OCTOBER 10, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Genesee River Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad shall cross streets, avenues or highways in Livingston and Allegany counties. F. H. Robbins and F. L. Stuart for the applicant; Alfred B. Kent, highway commissioner, for the town of Portage, Livingston county; Willis L. Fox, highway commissioner, and C. A. McIntosh, supervisor, for the town of Canadea, Allegany county; A. E. Perry, highway commissioner, and R. E. Lang, supervisor, for the town of Belfast, Allegany county; D. D. Dixon in relation to crossing numbered twenty-five in the public notice of hearing; George Straight, highway commissioner, for the town of New Hudson, Allegany county; Ira A. Amsden, highway commissioner, for the town of Cuba, Allegany county; D. F. McLennan for property owners in relation to crossings numbered thirty and thirty-one in the public notice of hearing; Elba Reynolds for the town of Cuba in relation to crossings

numbered thirty and thirty-one in the public notice of hearing. After hearing evidence and arguments the hearing was closed as to all of the crossings except No. sixteen as numbered in the public notice of hearing, in relation to which the superintendent of the grade crossing bureau has been instructed to meet representatives of the company and town on the ground and report to the Board. (Grade Crossing Case No. 625.)

Orders.

Application of the Genesee River Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad shall cross streets, avenues or highways in Livingston and Allegany counties. Determination as shown by office original determination on file. (Grade Crossing Case No. 625.)

The Board adjourned.

BUFFALO, OCTOBER 11, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Application of the International Railway Company (street surface), under section 68 of the Railroad Law, as to its double track railway crossing the belt line railroad of the New York Central and Hudson River Railroad Company (steam) in the city of Buffalo (three tacks) at the intersection of Fillmore avenue and Northland avenue, and as to crossing a branch track of said New York Central and Hudson River Railroad on Fillmore avenue, said branch track being known as branch to quarry; the application as to the crossing at the intersection of Fillmore avenue and Northland avenue being that it may be made at grade until said crossing of said avenues by the steam railroad is changed from grade and said avenues carried under the railroad, and the application as to crossing the quarry branch being that it may be made at grade permanently. Porter Norton for the applicant. There was filed with the Board a copy of an agreement between the companies, from which it appears that while there are three tracks of the steam railroad now at the intersection of Fillmore and Northland avenues that during the work of construction of the undercrossing there are to be but two temporary tracks. The application is also that when the undercrossing is completed the street railroad may cross therein. After hearing arguments the hearing was closed. (Case No. 3762.)

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law. Bushnell & Metcalf (Mr. Bushnell appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the Buffalo Frontier Terminal Railroad Company, in opposition; Simon Fleischmann for George P. Sawyer, the Hazard Powder Company, the Niagara River Investment Company and Messrs. Barse and Amm, property owners, in opposition. After hearing evidence and arguments the hearing was adjourned until Friday, October 12, 1906, 11 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

J. P. Mackenzie, mayor of North Tonawanda, William A. Rogers and others residents of that city appeared before the Board and asked to be heard in favor of the application of the Buffalo Frontier Terminal Railroad Company for a certificate under section 59 of the Railroad Law which is pending. Mr. Mackenzie and Mr. Rogers spoke, but Mr. Bushnell, for the Buffalo, Lake Erie and Niagara Railroad Company, objected to their being heard inasmuch as the hearing in this company's application is closed. The

Board directed that the statements made by Messrs. Mackenzie and Rogers to-day should not be a part of the stenographic minutes in this company's application. (Case No. 3082.)

Orders.

The Board adopted and ordered issued a report and recommendations in the matter of an accident which occurred near the Lansingburg station on the Boston and Maine Railroad October 4, 1906. (Steam Case No. 61. 1906.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Application of the Frontier Electric Railway Company for a certificate under section 59 of the Railroad Law. Cohn & Chorman (Mr. Cohn appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Moot, Sprague, Brownell & Marcy (Mr. Sprague appearing) for the Erie Railroad Company; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Buffalo, Thousand Islands and Portland Railroad Company; F. J. Mackenna, city attorney, for the city of Niagara Falls, in favor of the application; Joseph G. Dudley for the Buffalo Frontier Terminal Railroad Company. After hearing evidence and arguments the hearing was adjourned until Tuesday, November 13, 1906, at 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3701.)

Application on amended petition of the New York Central and Hudson River Railroad Company and The Terminal Railway of Buffalo (joined), under section 60 of the Railroad Law, for a determination of the manner in which four tracks of The Terminal Railway of Buffalo proposed to be constructed in the village of Blasdell (in which village The Terminal Railway of Buffalo is operated by the New York Central and Hudson River Railroad Company) shall cross Lake View avenue and Mile Strip road in said village, it being proposed by the petition that said tracks shall cross Lake View avenue above the grade of said avenue and shall cross the Mile Strip road at grade. Pooley & Spratt (Mr. Pooley appearing) for the applicants; William R. McConnell for the village of Blasdell, in opposition to the proposed location of the crossing by the railroad overhead Lake View avenue. After hearing evidence and arguments the evidence was closed, but the matter was held open. The superintendent of the grade crossing bureau is to make a report in this matter. (Grade Crossing Case No. 584.)

Application of the Buffalo and Lackawanna Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Nellany & Georgi (Mr. Nellany appearing), John Cunneen and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the applicant; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh Valley Railway Company, the Lehigh and Lake Erie Railroad Company, the Pioneer Real Estate Company and the Buffalo and Susquehanna Railway; Frank Rumsey for Samuel Rae and the Union Terminal Railroad Company; Thomas D. Powell for The Lake Shore and Michigan Southern Railway Company; Rogers, Locke & Babcock (Mr. Hamlin appearing) for the Delaware, Lackawanna and Western Railroad Company; Moot, Sprague, Brownell & Marcy (Mr. Sprague appearing) for the Erie Railroad Company and for the Buffalo Creek Railroad; Norton, Penney & Sears (Mr. Penney appearing) for the International Railway Company. After hearing evidence and arguments the hearing was adjourned until Tuesday, November 13, 1906, at 10 a. m., at the Hotel Iroquois, Buffalo. The Board in executive session heard evidence as to the *bona fides*

of the enterprise and the ability of the projectors to build the proposed railroad, which evidence was concluded. (Case No. 3639.)

The Board adjourned.

JAMESTOWN, OCTOBER 11, 1906.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the application of the Nypano Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad to be constructed upon a changed route shall cross streets, avenues or highways in Chautauqua county; and for a determination of the manner in which a branch connection or cut-off of its railroad shall cross streets, avenues or highways in Chautauqua county. Jerome B. Fisher and F. L. Stuart for the applicant; E. E. Woodbury and E. Green for the town of Busti and the village of Lakewood and for the town of Harmony; W. H. Hunt and C. M. Wellman, highway commissioners of the town of Harmony, also appeared; D. A. Allen and A. L. Richardson, property owners near the proposed crossing of the highway running south from Panama to Blockville road (No. 1, branch connection or cut-off) also appeared; the supervisor of the town of Harmony, Leon Button, also appeared; Grant E. Neill, representing Lillian C. Neill, also appeared in relation to crossing No. 8 branch connection or cut-off (cross road from Watts Flats and Blockville road on the changed route); Major Stevens, president of the village of Lakewood, also appeared. After hearing evidence and arguments the evidence was closed, but the matter was held open. (Grade Crossing Case No. 626.)

BUFFALO, OCTOBER 12, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

In the matter of the determination of this Board, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, H. A. Taylor for the Erie Railroad Company, and Walter P. Cooke for the Buffalo, Thousand Islands and Portland Railroad Company appeared before the Board as to the division of the expense of the fifty per centum of the cost to be borne by said railroad companies. After hearing evidence and arguments the hearing was closed. (Grade Crossing Case No. 293.)

Application of the New York Central and Hudson River Railroad Company and the Pennsylvania Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus to be installed at the Emslie street, Buffalo, grade crossing of the New York Central and Hudson River Railroad and the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company) and for consent to the discontinuance of the full stop and crossing on signal of engines and trains at said crossing. Pooley & Spratt (Mr. Spratt appearing) for the New York Central and Hudson River Railroad Company. No one appeared for the Pennsylvania Railroad Company. After hearing evidence and arguments the hearing was closed. (Case No. 3722.)

Application of the Chautauqua Traction Company, under section 68 of the Railroad Law, for a determination as to said applicant company's single track street surface railroad crossing the Lake Shore and Michigan Southern

Railway on an overhead bridge crossing of said railway in Portage street in the village of Westfield. Jerome B. Fisher for the applicant; Lockwood, Hoyt & Greene (Mr. Hoyt and Mr. Greene appearing) for the Lake Shore and Michigan Southern Railway Company, in opposition. After hearing arguments the hearing was adjourned until Tuesday, November 13, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. After this hearing was over W. A. Cochrane of Westfield appeared before the Board and asked for notice of the next hearing in this matter. (Case No. 3743.)

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law. Appearances as yesterday. After hearing arguments a recess was taken in this matter until 1:30 p. m. (Case No. 3432.)

Crossings.

In the matter of the determination of this Board, under section 62 of the Railroad Law, as to changing the North Portage street grade crossing of the New York, Chicago and St. Louis Railroad in Westfield to an overcrossing. Jerome B. Fisher, representing the Chautauqua Traction Company (whose railroad is to be constructed on this bridge), and a bridge engineer of the New York, Chicago and St. Louis Railroad Company appeared before the Board and stated that the village, which has heretofore objected to the use of an old bridge for this overcrossing would consent to the use of the old bridge. The engineer was instructed to submit to the Board for approval a plan of the old bridge proposed to be used, abutments and approaches. (Grade Crossing Case No. 565.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street, Niagara Falls, grade crossing of the Erie Railroad to an undercrossing. tracing cloth detail plans (four sheets) were submitted to the Board by the company, together with a report dated October 3, 1906, from the superintendent of the grade crossing bureau. Ordered approved said tracing cloth detail plans. (Grade Crossing Case No. 501.)

Orders.

In the matter of the determination of this Board, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing. Ordered that the fifty per centum of the cost to be borne by the railroads be divided as follows: Five-ninths to be borne by the Erie Railroad Company, and four-ninths to be borne by the Buffalo, Thousand Islands and Portland Railroad Company. (Grade Crossing Case No. 293.)

Application of the New York Central and Hudson River Railroad Company and the Pennsylvania Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus to be installed at the Emslie street, Buffalo, grade crossing of the New York Central and Hudson River Railroad and the Western New York and Pennsylvania Railway (leased to and operated by the Pennsylvania Railroad Company) and for consent to the discontinuance of the full stop and crossing on signal of engines and trains at said crossing. Ordered approved and consent granted to the discontinuance of the full stop and crossing on signal of engines and trains. (Case No. 3722.)

Application of the International Railway Company (street surface), under section 68 of the Railroad Law, as to its double track railway crossing the belt line railroad of the New York Central and Hudson River Railroad Company (steam) in the city of Buffalo (three tracks) at the intersection of Fillmore avenue and Northland avenue, and as to crossing a branch track of said New York Central and Hudson River Railroad on Fillmore avenue, said branch track being known as branch to quarry; the application as to

the crossing at the intersection of Fillmore avenue and Northland avenue being that it may be made at grade until said crossing of said avenues by the steam railroad is changed from grade and said avenues carried under the railroad, and the application as to crossing the quarry branch being that it may be made at grade permanently. Determination, as shown by office original determination on file, that said crossings may be made at grade. (Case No. 3762.)

The board took a recess until 1:30 p. m.

AFTER RECESS — 1:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the New York, Lackawanna and Western Railway Company (steam), under section 68 of the Railroad Law, for a determination as to how a switch track of its railway shall cross the International Railway (street surface—two tracks) at the intersection of Mississippi and Elk streets in Buffalo. Rogers, Locke & Babcock (Mr. Jones appearing) for the applicant. After hearing arguments the hearing was closed. (Case No. 3763.)

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing arguments the hearing was adjourned until Tuesday, November 13, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Orders.

Application of the New York, Lackawanna and Western Railway Company (steam), under section 68 of the Railroad Law, for a determination as to how a switch track of its railway shall cross the International Railway (street surface—two tracks) at the intersection of Mississippi and Elk streets in Buffalo. Determination, as shown by office original determination on file, that the crossing may be made at grade. (Case No. 3763.)

The Board adjourned.

ALBANY, OCTOBER 16, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

The minutes of October 3, 4, 6, 10, 11 (at Buffalo) and 12 were read and approved.

Complaints.

Citizens' Improvement League of Kensington, Parkville and vicinity against The Brooklyn Heights Railroad Company as to service rendered the public. Letter dated October 12, 1906, received from complainants as to discontinuance of service on the Reid avenue line. Ordered referred to Commissioner Baker to attend a meeting of the Association on the night of the 17th inst. This case was closed on the minutes of April 3, 1906, and is now re-opened. (Case No. 3476.)

Crossings.

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated September 11, 1906, as to the Erie and Jersey Railroad crossing highways in the town of Wallkill, Orange county. Letter dated October 1, 1906, received from William B. and H. B. Royce, attorneys for the

town, in relation to the insertion of the word "steel" in three places in said order. Ordered that said word "steel" be so inserted in said order. (Grade Crossing Case No. 600.)

Report of the inspector of grade crossings, dated July 30, 1906, as to the laying of a second track on portions of the New York and Harlem division of the New York Central and Hudson River Railroad. Ordered filed. (Miscellaneous.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Caskey's grade crossing of the Erie Railroad at Sparrow Bush in the town of Deer Park, Orange county, to an undercrossing, a report dated September 19, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 464.)

In the matter of the determination of this Board dated August 25, 1904, under section 62 of the Railroad Law, as to changing the Chautauqua road or Valley street (or Lake road) highway grade crossing of the Pennsylvania Railroad in the village of Mayville to an overcrossing. Report dated September 13, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 491.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated June 19, 1906, as to changing the Hooker avenue grade crossing of the Syracuse, Binghamton and New York Railroad in the village of Homer to an overcrossing. Report dated September 11, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 543.)

Orders.

Petition of the New York Central and Hudson River Railroad Company (lessee of the Syracuse, Geneva and Corning Railway), under section 62 of the Railroad Law, as to the closing and discontinuance of the Moreland road highway grade crossing of the Syracuse, Geneva and Corning Railway in the town of Dix, Schuyler county, situated at a point about one-half mile north of the Beaver Dams station on said railway (said crossing being locally known as Beer's crossing) and the construction of a new piece of highway from the Moreland road highway to a point just north of the Beaver Dams station on said railway, the new piece of highway there to cross the railway at grade. Determination, as shown by office original determination on file, that the Beer's crossing shall be closed and discontinued, the new piece of highway to be constructed and to cross the railway just north of Beaver Dams station, a flagman to be stationed at the new crossing from 7 a. m. to 7 p. m., as shown by office original determination on file. The entire expense under this determination, including the wages of the flagman, to be borne by the New York Central and Hudson River Railroad Company, the conditions of the highway commissioner to be inserted in the determination. (Grade Crossing Case No. 610.)

In the matter of the determination of this Board, under section 60 of the Railroad Law dated September 11, 1906, as to the Erie and Jersey Railroad crossing highways in the town of Wallkill, Orange county, it was ordered that the word "steel" be inserted in the determination before the word "structure" in relation to crossing B-2 on page two of the determination and before the word "structure" in relation to crossing B-4 on page three of the determination, and before the word "bridge" in relation to crossing B-7 on page four of the determination. As the omission of this word was a clerical error, it was determined that only the company and Mr. Royce for the town should be notified of this change. (Grade Crossing Case No. 600.)

Application of the Carthage and Copenhagen Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its single track railroad shall cross streets in the village of West Carthage, Jefferson county, and highways in the town of Denmark, Lewis

county. Determination, as shown by office original determination on file that the crossings shall be at grade. (Grade Crossing Case No. 617.)

The Board adjourned.

ALBANY, OCTOBER 17, 1906.

The Board met pursuant to adjournment. Present, Commissioners, Dunn, Baker, Dickey and Rockwell.

Hearings.

The adjourned hearing in the matter of the application of the Malone, Fort Covington and Hopkins Point Railway Company for a certificate under section 59 of the Railroad Law which was to have taken place to-day did not take place as the applicant notified the Board that it intended to file an amended certificate of incorporation. This application was closed. (Case No. 3086.)

Application of the Carthage and Copenhagen Railroad Company for consent to the issue of a first mortgage for sixty thousand dollars (\$60,000). W. B. Van Allen for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3471.)

Adjourned hearing in the matter of the complaint of James Ackroyd & Sons against The Delaware and Hudson Company and the New York Central and Hudson River Railroad Company as to freight charges. F. E. Wadhams for complainants; W. P. Rudd for the New York Central and Hudson River Railroad Company; L. E. Carr for The Delaware and Hudson Company. Without the hearing of arguments or taking of evidence, at the request of attorney for complainants the hearing was adjourned until Friday, November 9, 1906, 2 p. m., at the office of the Board in Albany. (Case No. 3644.)

Application of the Greenwich and Johnsonville Railroad Company, under section 60 of the Railroad Law, as to a branch of its railroad crossing streets and highways in Washington county. This hearing was closed on the 3d inst., but the matter was re-opened and further hearing held to-day. Herbert Van Kirk, counsel, and I. C. Blandy, president of the company, for the applicant; W. A. Van Kirk for the town of Jackson; Fred Petteys, supervisor, town of Easton, D. L. Valentine, highway commissioner, town of Jackson, Jesse V. Palmer, James B. Cowan and W. A. Skelly, property owners, also appeared in person. After hearing arguments the hearing was closed as to all of the crossings except those numbered 16 and 17 in the public notice of hearing. As to Nos. 16 and 17 the applicant is to endeavor to agree with W. A. Skelly, a property owner, as to change of highway at this point, and there is to be a further hearing in this matter before the Board in Albany on Friday, November 9, 1906, 11:30 a. m., as to these two crossings. (Grade Crossing Case No. 628.)

The Board in executive session heard evidence as to the *bona fides* and ability of the projectors to build the railroad in the application of The Rochester, Scottsville and Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law, which evidence was closed. (Case No. 3532.)

Orders.

Application of the Carthage and Copenhagen Railroad Company for consent to the issue of a first mortgage for sixty thousand dollars (\$60,000). **Granted.** (Case No. 3741.)

Application of The Rochester, Scottsville and Caledonia Electric Railroad Company (street surface) for a certificate under section 59 of the Railroad Law. **Granted.** (Case No. 3532.)

Application of the Greenwich and Johnsonville Railroad Company under section 60 of the Railroad Law as to a branch of its railroad crossing

streets and highways in Washington county. Determination, as shown by office original determination on file, as to all of the crossings except Nos. 16 and 17 in the public notice of hearing where the highway is proposed to be changed. (Grade Crossing Case No. 628.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell. Commissioner Baker had left for New York to attend a meeting of residents of Kensington in complaint against The Brooklyn Heights Railroad Company. (Case No. 3476.)

Complaints.

Louis H. Pink and others against the New York City Railway Company as to operation of its East Side lines. Letter dated October 5, 1906, received from complainant as to change of motive power on these East Side lines. Letter dated October 8, 1906, received from the company on this subject. Copy sent complainant. Letter dated October 10, 1906, with copy of resolutions received from complainant. Ordered carried on file. (Case No. 3524.)

Ossining Board of Trade against the Westchester Traction Company as to condition of its railroad and as to service rendered the public. Letter dated October 5, 1906, received from complainant. Ordered hearing set for Wednesday, October 31, 1906, 12 m., at the New York office of the Board, Room 5096 Metropolitan Building, 1 Madison avenue. (Case No. 3735.)

E. C. Bridgman against the Staten Island Rapid Transit Railway Company as to ringing of bells, blowing of whistles and blowing off of steam and smoke of locomotives. Letter dated October 8, 1906, received from complainant. Ordered carried on file. (Case No. 3653.)

A letter dated October 8, 1906, was received from the New York City Railway Company as to change of motive power on the First avenue line of said company and copy sent to Adolph Bloch, representing the House and Real Estate Owners' Association of the twelfth and nineteenth wards, Manhattan, New York city. The letter from the company is filed with Case No. 3524. (Case No. 2804.)

S. W. Turner against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to the One Hundred and Sixteenth street and Eighth avenue station on said railway. Report dated October 9, 1906, received from the electrical expert to the effect that the Board's recommendations as to the operation of the elevators at this station have been complied with. Ordered filed. This case was re-opened on the minutes of August 1 and is now again closed. (Case No. 3275.)

Board of trustees of the village of White Plains against the Tarrytown, White Plains and Mamaroneck Railway Company. Letter dated October 15, 1906, written the Attorney-General. Letter dated October 16, 1906, received from Albert E. Davis, a further complainant. This case was referred to Commissioners Baker and Rockwell. The electrical expert has also been instructed to report in this matter. (Case No. 3699.)

North Corona Property Owners' Association against the New York and Queens County Railway Company as to service rendered the public on its Jackson avenue line. Letter dated September 29, 1906, received from complainants. Referred to Commissioners Baker and Rockwell who are to report generally in relation to service rendered the public by this company and the Long Island Electric Railroad Company in case No. 3767. This case (3491) was closed on the minutes of July 2, 1906, and is not re-opened. (Case No. 3491.)

Merton Reynolds, clerk of the town of Torey, Yates county, against the New York Central and Hudson River Railroad Company as to condition of highway crossing of said company's railroad in said town. Reply of complainant to answer of company received stating that the company had agreed

with the town to remedy the cause of complaint. This case was closed on the minutes of October 3, 1906, and is not re-opened. (Case No. 3719.)

John P. Kelley of Old Chatham against the Rutland Railroad Company as to condition of its fence along his farm. Letter dated October 9, 1906, received from the company stating that the fence has been erected. Copy sent complainant. Closed. (Case No. 3666.)

E. Y. Wooley against the New York Central and Hudson River Railroad Company as to its 8:45 a. m. train from Utica on September 13, 1906, being overcrowded. Letter dated October 6, 1906, received from company. Copy sent complainant. Letter dated October 9, 1906, received from complainant. Ordered filed. Closed. (Case No. 3721.)

D. M. MacLellan against the Long Island Railroad Company as to overcrowding of passenger train No. 381 on October 5, 1906. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered filed. Closed. (Case No. 3751.)

S. J. Wilson of Geneva against the New York Central and Hudson River Railroad Company as to filling up of sewer pipe on his farm by contractors working on said company's railroad between Geneva and Lyons. Copy sent Company. (Case No. 3761.)

Town board of the town of Newfane, Niagara county, against the International Railway Company as to condition of track of said company on Mechanics' street in said town. Answer of company received stating that the cause of complaint would be remedied. Copy sent complainant. (Case No. 3740.)

S. C. Hudley of Malone against the Rutland Railroad Company as to connection of passenger trains at Norwood. Copy sent company. (Case No. 3748.)

S. L. Blumenson against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) in relation to stations on the Second and Third avenue line of said railway, particularly the station at Rivington and Allen streets. Answer of company received. Copy sent complainant. (Case No. 3742.)

John S. Rich of Marion against the Newark and Marion Railway Company (street surface) as to operation by locomotive steam power. Copy sent company. (Case No. 3760.)

West Side Tax Payers' Association of New York city against the New York Central and Hudson River Railroad Company as to operation of trains on Eleventh avenue. Letter dated September 29, 1906, received from the association as to the recommendations of this Board of May 31, 1905, not being complied with. Report in said matter dated October 10, 1906, received from the inspector of grade crossings to the effect that the recommendations that a flagman be stationed on the block between Thirty-eighth and Thirty-ninth streets and that a flagman be stationed on the block between Forty-fifth and Forty-sixth streets, is not being complied with. Letter dated October 11, 1906, written the company on the subject. (Case No. 3322.)

Property Owners' Association, Twenty-third ward, borough of the Bronx, New York city, against the Union Railway Company as to service rendered the public. The Board instructed the electrical expert to report as to inquiry in letter of 10th inst from the association, as to new cars. (Case No. 3756.)

Walter B. James, M. D., of New York city, against The Delaware and Hudson Company, as lessee of the Chateaugay and Lake Placid Railroad, as to passenger fare charged from Saranac to Lake Placid. Letters dated October 13 and 15 received from the company. Ordered filed. (Case No. 3731.)

George G. Benjamin of New York city against the Long Island Railroad Company as to operation of the Rockaway Beach Division of its railroad. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Ordered that the electrical expert report in this matter. (Case No. 3747.)

H. P. Quick against the Brooklyn Heights Railroad Company as to transfers from Montague street surface line to elevated line. Ordered carried on file. (Case No. 3753.)

Business Men's Association of the city of Corning against the Erie Railroad Company as to said company's passenger station at that point. In this case the Board has recommended under date of September 14, 1906, that a new passenger station be erected as early as practicable. Letter dated October 10, 1906, received from the company stating that it was engaged in developing plans and specifications for new station. Ordered letter written the company asking it to fix a time when the plans will be completed. (Case No. 3645.)

George M. Franklin and others against the Lehigh Valley Railroad Company as to passenger trains between East Henrietta and the city of Rochester being late. Copy sent company. (Case No. 3752.)

John Allaire against the Brooklyn Heights Railroad Company as to operation of cars from the Thirty-ninth street ferry to Ulmer Park, mornings and evenings. Letter dated October 10, 1906, received from complainant to the effect that the cars are not now being run as promised by the company. Copy sent company. This case was closed on the minutes of August 1, and is now re-opened. (Case No. 3620.)

R. E. Grinstead against the Lake Shore and Michigan Railway Company and the New York Central and Hudson River Railroad Company as to delay in shipment of horses to him at Sickett Harbor. Reply of complainant to answer of company received. Ordered filed. Closed. (Case No. 3642.)

A. B. Jennings against the Union Railway Company of New York city as to service rendered the public between West Farms and Williamsbridge between 6 and 7:30 p. m. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. The electrical expert is to report in this matter. This case was closed on the minutes of July 30, 1906, and is now re-opened because of this second complaint of Mr. Jennings. (Case No. 3600.)

Erie Railroad Company against the New York Central and Hudson River Railroad Company as to interlocking switch and signal apparatus to be installed at Batavia, where said railroads cross at grade. This plant has been approved by this Board. Letter dated October 13, 1906, received from the Central company. Letter dated October 6, 1906, received from the Erie company. Ordered letters written said companies as shown by office original letters on file. (Case No. 3715.)

Christopher Clarke against the New York and Queens County Railway Company as to service rendered the public on its Flushing-Jamaica line. Letter dated October 4, 1906, received from the company stating that the recommendation of the Board contained in its letter dated September 14, 1906, would be complied with. Copy sent complainant. Letter dated October 8, 1906, received from the company, stating specifically that the recommendation which was that cars on the Flushing-Jamaica line be operated on a 15-minute headway between 10 a. m., and 1 p. m., on week days was being complied with. Copy sent complainant. Letters dated October 8, 11 and 13, 1906, received from complainant. Ordered filed. (Case No. 3222.)

A. P. Ordway against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company), alleging that there is not sufficient trains to accommodate the public operated on the Sixth avenue elevated line northbound during the rush hours in the afternoon. Copy sent company. The electrical expert has been instructed to report in this matter. (Case No. 3749.)

G. H. Cotton against the Boston and Maine Railroad and the Rutland Railroad Company as to operation of passenger trains to and from Troy. Copy sent companies. Answer of companies received. Copies sent complainant. Reply of complainant to answer of Boston and Maine Railroad received. Ordered filed. Closed. (Case No. 3750.)

In the matter of the complaint of the Property Owners' Association of the Twenty-third ward, borough of the Bronx, against the Interborough Rapid Transit Company in which this Board made recommendations to the company on June 6 last, which recommendations were transmitted to the company on June 11, last. Letter dated September 21, 1906, was received from the

company as to the non-compliance with the recommendations, the matter being one in the jurisdiction of the Rapid Transit Commission. Ordered filed. (Case No. 3535.)

Charles Borchert against the Brooklyn Heights Railroad Company as to number of cars in its trains operated on its Ridgewood avenue line and as to length of platforms of stations on said line. Answer of company received. Copy sent complainant. (Case No. 3730.)

Tax Payers' Non-Partisan Association of the Third ward, borough of Queens, against the New York and Queens County Railway Company as to service rendered the public. Letter dated October 13, 1906, received from complainants. This case was closed on the minutes of July 2, 1906, and is not re-opened. Referred to Commissioners Baker and Rockwell, who are to make a report generally in relation to service rendered the public by this company and the Long Island Electric Railroad Company in Case 3767. (Case No. 3365.)

E. A. Bedell against the Albany and Hudson Railroad Company as to service rendered the public. Letter dated October 9, 1906, received from the company asking that the Board suspend its recommendation No. 5 as to the company procuring five additional passenger cars. Ordered company be notified that Board will not withdraw this recommendation. (Case No. 3402.)

Winthrop & Stimson, for a client, Winthrop Chanler, against the Erie Railroad Company as to fence of said company along Mr. Chanler's farm. Letter dated October 3, 1906, received from complainants to the effect that the fence had been replaced with a woven wire fence with the exception of a small portion, which it was expected would be. Ordered filed. This case was closed on the minutes of October 3, 1906, and is not re-opened. (Case No. 3655.)

Report of the electrical expert, dated October 8, 1906, as to there not being elevators at the One Hundred and Twenty-fifth street and Eighth avenue station on the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as recommended by the Board. Copy sent Attorney-General. This case has been turned over to the Attorney-General. (Case No. 3541.)

Report of the electrical expert, dated October 8, 1906, (Joseph Beihl's complaint against the Interborough Rapid Transit Company, lessee Manhattan Railway), as to there not being constructed a station on the north-bound track of the Manhattan Railway at One Hundred and Thirtieth street and Eighth avenue. Copy sent Attorney-General. This case has been turned over to the Attorney-General. (Case No. 3439.)

In the matter of the recommendations of this Board dated August 24, 1906, to the Union Railway Company as to procuring additional passenger cars, a letter dated October 11, 1906, was received from the company to the effect that recommendations No. 1 and No. 3 would be complied with; that recommendation No. 5 had been complied with, and in relation to recommendation No. 2, which refers to the future, being complied with. This matter was referred to the Attorney-General on October 3, 1906, and on receipt of this letter from the company was withdrawn from his consideration in a letter dated October 12, 1906, to him from this Board. (Case No. 3692.)

In the matter of the complaint of residents of the borough of Brooklyn, against the Brooklyn Heights Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, the Coney Island and Brooklyn Railroad Company, and the Nassau Electric Railroad Company as to charge of ten cents fare to Coney Island, a letter dated October 2, 1906, signed by the attorney for complainants and by the attorney for The Brooklyn Heights Railroad Company, was filed with the Board, asking the Board not to proceed further in this matter until a decision of the Court of Appeals in a case on the same subject now pending in that court. Ordered filed. (Case No. 3622.)

Applications.

Application of the Pennsylvania Railroad Company, under section 33 of the Railroad Law, for approval of the shape and design of a highway crossing sign and the words of warning thereon and location and elevation of such signs at highway grade crossings of the railroads operated by it in this State. Report dated September 21, 1906, received from Commissioner Baker. Report dated October 2, 1906, received from the inspector. Ordered letter written company as shown by copy on file. (Case No. 3706.)

Application of The Paul Smith's Electric Light and Power and Railroad Company for approval of an increase of its capital stock from \$100,000 to \$500,000. Ordered hearing set for Friday, November 9, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3754.)

Application of The Paul Smith's Electric Light and Power and Railroad Company for consent to the issuance of a first mortgage for \$500,000. Ordered hearing set for Friday, November 9, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3755.)

Application of the United Traction Company (street surface), under section 68 of the Railroad Law, for a determination of the manner in which an additional track of its railroad shall cross the Troy Union Railroad (steam) on Fourth street in the city of Troy. Ordered hearing set for Friday, November 9, 1906, 11 a. m., at the office of the Board in Albany. (Case No. 3757.)

Application of the United Traction Company (street surface), under section 68 of the Railroad Law, for a determination of the manner in which an additional track of its railroad shall cross the railroad (steam) operated by The Delaware and Hudson Company on Ontario street in Cohoes. Ordered hearing set for Friday, November 9, 1906, 11 a. m., at the office of the Board in Albany. (Case No. 3758.)

Application of the Putnam and Westchester Traction Company (street surface) for a certificate under section 59 of the Railroad Law. There seems to be a defect in the articles of association as to the number of shares of stock subscribed and the board is in correspondence with the company. (Case No. 3777.)

In the matter of a certificate under section 59 of the Railroad Law, dated June 4, 1906, granted to the Hudson River and Eastern Traction Company, a writ of certiorari on behalf of the Westchester Traction Company was served on the Board. Ordered that the Attorney-General be asked if this writ was served in time under the provisions of the Code. (Case No. 3530.)

Reports.

A letter dated October 16, 1906, was received from the Bennington and Hoosick Valley Railway Company as to compliance with the recommendations of the Board as to protection at crossing at grade on River street of the Boston and Maine Railroad and the Bennington and Hoosick Valley Railway at Hoosick Falls. Ordered filed. (Steam Case No. 41 — 1906.)

Report of the inspector dated October 15, 1906, as to westbound passenger train 285 on the Piermont branch of the Erie Railroad running into an open switch near Suffern, September 9, 1906. Ordered copy sent company with a letter of recommendation as shown by office original on file. (Steam Case No. 55 — 1906.)

Report of the inspector dated October 15, 1906, as to a rear collision between passenger trains on The Delaware and Hudson Company's railroad at Cobleskill, September 16, 1906. Ordered copy sent company. (Steam Case No. 56 — 1906.)

Report of the inspector dated October 15, 1906, as to a derailment of freight trains on the New York and Harlem division of the New York Central and Hudson River Railroad at Tremont, August 29, 1906, the derailed cars being run into by another train. Ordered copy sent company. (Steam Case No. 51 — 1906.)

Report of the inspector dated October 16, 1906, as to the use of the "31" order referred to in his report, dated June 23, 1906, as to an accident at Union Square on the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad, May 27, 1906. Ordered filed. (Steam Case No. 33—1906.)

In the matter of the recommendation of this Board, dated April 6, 1905, to the New York Central and Hudson River Railroad Company, growing out of an accident on the Schenectady detour, January 1, 1905, near Hoffman's, a report dated October 15, 1906, was received from the inspector that the recommendation of the Board had been complied with. Ordered filed. (Steam Case No. 1—1905.)

In the matter of the recommendation of this Board, dated February 19, 1906, to the New York Central and Hudson River Railroad Company growing out of a collision January 1, 1906, at Bergen, a report dated October 15, 1906, was received from the inspector to the effect that the recommendation of the Board is being complied with, inasmuch as the company is installing an interlocking plant at Bergen. Ordered filed. (Steam Case No. 1—1906.)

In the matter of the recommendation of this Board, dated October 4, 1906, growing out of a collision on the Olean Street Railway, June 21, 1906, a letter dated October 9, 1906, was received from the company to the effect that the recommendation would be complied with. Ordered filed. (Street Case No. 28—1906.)

In the matter of the recommendations of this Board, dated January 27, 1902, to the New York Central and Hudson River Railroad Company, as to operation of trains in the Fourth avenue tunnel, New York city, a letter dated August 3, 1906, was received from the company. Ordered carried on file. (Steam Case No. 3—1902.)

In the matter of the recommendations of this Board, dated September 18, 1906, to the New York Central and Hudson River Railroad Company, growing out of a grade crossing accident on the West Shore Railroad, lessor, at Marlborough, a letter dated October 10, 1906, was received from the company, and a letter dated October 6, 1906, was received from the village of Marlborough. A blue print plan from the company was also submitted to the Board. Ordered filed. (Steam Case No. 54—1906.)

In the matter of the recommendations of this Board, dated October 11, 1906, to the Boston and Maine Railroad, growing out of a rear collision at its Lansingburgh station October 4, 1906, a letter dated October 12, 1906, was received from the company to the effect that the recommendations would be complied with. (Steam Case No. 61—1906.)

Report of the inspector, dated August 18, 1906, as to high power transmission electric lines in this State. Ordered a circular on this subject be issued to the railroads of the State. (Case No. 3688.)

A circular was ordered issued to street railroad companies as to the placing of highway crossing signs at highway grade crossings of such railroads outside of cities and villages. (Case No. 3793.)

Report dated October 16, 1906, of the inspector of locomotive boilers, as to the Marcellus and Otisco Lake Railway Company operating by locomotive steam power, and in relation to non-inspection of the locomotive. Ordered letter written company, which is a street surface railroad company, that operation by steam power is not authorized by statute. (Locomotive Boiler Case No. 11—1906.)

In the matter of the report of the inspector of his inspection of the railroads operated by the Lehigh Valley Railroad Company in this State, a letter dated October 3, 1906, was received from the Auburn and Syracuse Electric Railroad Company as to extension of copper trolley on its trolley wire at a grade crossing of the Lehigh Valley Railroad in Auburn to the effect that the recommendation would be complied with. Ordered filed. A letter dated October 8, 1906, was received from the Ithaca Street Railway Company to the effect that two troughs on its trolley wires at grade crossings of its railroad and the Lehigh Valley Railroad in Ithaca would be extended as recommended by the Board. Ordered filed. Letters dated October 9 and October 11, 1906,

were received from the Lehigh Valley Railroad Company that the recommendations will be complied with. Ordered filed. (No. 16 — 1906.)

In the matter of the report of the inspector of his inspection of the Skaneateles Railroad, a letter dated October 9, 1906, was received from the company to the effect that the recommendations of the Board would be complied with. Ordered filed. (No. 18 — 1906.)

In the matter of the report of the inspector of his inspection of the Owaseo River Railway, a letter dated October 12, 1906, was received from the company that the recommendation of the Board will be complied with. Ordered filed. (No. 19 — 1906.)

In the matter of the report of the inspector of his inspection of the Central Dock and Terminal Railway, a letter dated October 13, 1906, was received from the Philadelphia and Reading Coal and Iron Company that the recommendation of the Board would be complied with. Ordered filed. (No. 20 — 1906.)

In the matter of the report of the inspector of his inspection of the Silver Lake Railway, a letter dated October 13, 1906, was received from the company that the recommendations of the Board would be complied with. Ordered filed. (No. 12 — 1906.)

Crossings.

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Aldridge highway No. 4 grade crossing of said company's railroad in the town of Phelps, Ontario county, the travel thereon to be diverted therefrom by the construction of a new piece of highway on the north side of the railroad to the Hopples highway No. 3 which is the town line highway between the town of Phelps, Ontario county, and the town of Junius, Seneca county, the petition asking that the Hopples highway No. 3 grade crossing of said railroad be changed to an undercrossing of the railroad. Ordered filed. (Grade Crossing Case No. 637.)

In the matter of the petition of the town board of the town of Greenfield, Saratoga county, under section 62 of the Railroad Law, as to changing the Kings highway grade crossing of the railroad operated by The Delaware and Hudson Company in said town, to an undercrossing, a letter dated October 8, 1906, was received from the company. Ordered filed. (Grade Crossing Case No. 595.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, tracing cloth detail plans (three large and two small sheets) were submitted to the Board by the company with a report dated October 17, 1906, from the superintendent of grade crossing bureau. Ordered approved said tracing cloth detail plans. (Grade Crossing Case No. 293.)

Application of the Terminal Railway of Buffalo, under section 60 of the Railroad Law, as to six additional tracks of its railway crossing highways in the town of Cheektowaga, Erie county. Ordered carried on file. (Grade Crossing Case No. 639.)

Application of the Terminal Railway of Buffalo under section 60 of the Railroad Law, for a determination as to how 6 additional tracks of its railway shall cross the Clinton street highway and as to how 4 additional tracks of its railway shall cross the Mineral Spring road highway in the town of West Seneca, Erie county. Ordered carried on file. (Grade Crossing Case No. 640.)

In the matter of the petition of the Genesee River Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad shall cross streets, avenues and highways in Livingston and Allegany counties, a letter dated April 11, 1906, was received from D. F. McLennan as to proposed crossing No. 30, as numbered in the public notice of hearing. Ordered letter written McLennan, as shown by copy on file. (Grade Crossing Case No. 625.)

In the matter of the determination of this Board, dated March 6, 1906, as to the closing and discontinuance of the highway grade crossing of the Central New England Railway immediately east of the Pleasant Valley station on said railway, Dutchess county, the travel thereon to be diverted therefrom by the construction of a new piece of highway to an existing highway crossing of the railroad immediately west of the station, a report, dated October 12, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered letter written company, as shown by copy on file. (Grade Crossing Case No. 557.)

An opinion dated October 10, 1906, was received from the Attorney-General in relation to petitions of the New York Central and Hudson River Railroad Company, joined in some instances by municipalities, under section 62 of the Railroad Law, pending before this Board as to the elimination of grade crossings of said company's railroad in Westchester county. Ordered filed. (Cases No. 534, etc.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated April 5, 1902, as to the closing and discontinuance of the VanVleck or Lakeside highway grade crossing of the New York Central and Hudson River Railroad and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) and the construction of an overcrossing of said railroads and the Oswego and Syracuse Railroad (leased to and operated by the Delaware, Lackawanna and Western Railroad Company); an accounting and settlement of the cost of the work between the New York Central and Hudson River Railroad Company and the Delaware, Lackawanna and Western Railroad Company and the town of Geddes, was submitted to the Board, together with a report thereon dated October 6, 1906, from the superintendent of the grade crossing bureau. Ordered that the State's proportion of the cost, namely, \$14,630.91 be paid to the New York Central and Hudson River Railroad Company. In this matter determinations dated January 12, 1905, and October 11, 1905, have been made as to division of the fifty per centum of the cost to be borne by the railroad companies between the New York Central and Hudson River Railroad Company and the Delaware, Lackawanna and Western Railroad Company. (Grade Crossing Case No. 174.)

A letter dated October 9, 1906, was received from G. P. Wehling, asking that the recommendations filed here in his application for appointment as inspector of locomotive boilers be returned to him. Ordered that they be returned.

Bills Approved.

The following bills were approved:

General Expenses.

Jessica M. Craig (stenographic services).....	\$21 00
Wm. McNeilly (postage stamps).....	125 00
Western Union Telegraph Company.....	12 43
Hudson River Telephone Company.....	26 37
John T. Kane (stenographic services).....	90 00
Harold E. Miller	5 00
Mozzeltic Manufacturing Company	24 00
Great Bear Spring Company.....	3 30
Windsor Hotel (O. G. Richmond, Prop.).....	3 00
The Combined Tool Company.....	2 75
The Smith Premier Typewriter Company.....	14 67
American Express Company	12 25
National Express Company	9 74
G. P. Robinson (expenses).....	26 80
New York city office:	
Economy Clean Towel Supply Company.....	6 00
New York Telephone Company (9/1).....	39 15
New York Telephone Company (10/1).....	22 65

\$444 11

The Board adjourned.

ALBANY, OCTOBER 18, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Application of the Schenectady and Margaretville Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Edward J. Welch for the applicant; Miles P. Frisbie for the Business Men's Association of Schenectady; Everett Smith for the Chamber of Commerce of the city of Schenectady; C. P. Sanders for the village of Scotia — the village was also represented by trustees; Clyde H. Proper for the town of Schoharie; L. E. Carr for The Delaware and Hudson Company and for the New York, Ontario and Western Railway Company; W. P. Rudd for the New York Central and Hudson River Railroad Company; George M. Palmer for the Schoharie Valley Railway Company; Amos Van Etten for the Ulster and Delaware Railroad Company; Frank Burton for the Fonda, Johnstown and Gloversville Railroad Company; Frost, Daring & Warner for the Albany and Schoharie Valley Railway Company. After hearing evidence and arguments a recess was taken until 2:15 p. m. (Case No. 3744.)

Complaints.

Citizens' Improvement League of Kensington, Parkville and vicinity against The Brooklyn Heights Railroad Company as to service rendered the public. Commissioner Baker reported verbally by telephone. Ordered letter of recommendation sent the company that the service be restored on the Reid avenue line. (Case No. 3476.)

Reports.

Ordered circular of recommendation issued as to the use of stepping boxes for entrance to and egress from passenger cars on steam railroads in this State. (Case No. 3792.)

AFTER RECESS — 2:15 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

The hearing in the application of the Schenectady and Margaretville Railroad Company for a certificate under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Thursday, November 8, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3744.)

Application of the Hancock and East Branch Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Edward J. Welch for the applicant; L. E. Carr for the New York, Ontario and Western Railway Company and for The Delaware and Hudson Company; Amos Van Etten for the Ulster and Delaware Railroad Company. After hearing evidence and arguments the hearing was adjourned until Thursday, November 8, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3745.)

The Board adjourned.

ELMIRA, OCTOBER 22, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker and Rockwell.

Reports.

Report dated October 19, 1906, of the electrical expert as to the derailment of a runaway passenger car, No. 367, on the McLean avenue line of the Yonkers Railroad the 1st inst., 5:30 p. m., near Tibbetts road, Yonkers. Ordered copy sent company with a letter of recommendation, as shown by office original letter on file. (Street Case No. 45 — 1906.)

The Board adjourned.

ELMIRA, OCTOBER 23, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Tuscarora Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Boyd McDowell for the applicant; Edwin C. Smith for the towns of Addison, Tuscarora, Woodhull and Jasper and the villages of Addison and Woodhull, in favor of the application; G. N. Orcutt for the Erie Railroad Company. After hearing evidence and arguments the hearing was adjourned to a date to be thereafter fixed. The applicant closed its case except in rebuttal. Later in the day the Board in executive session heard evidence on the *bona fides* of the applicant and the ability of the projectors to build the road, which evidence was closed. If Mr. Orcutt notifies the Board that he desires to put in further evidence there is to be a further hearing, but if not this hearing is closed. A petition in favor of the application was filed by the applicant with the Board on the 24th inst., Mr. Orcutt consenting. (Case No. 3687.)

Adjourned hearing in the application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate under section 59 of the Railroad Law. William A. Sutherland, Stephen A. McIntire and Erwin E. Shutt for the applicant; Harris & Harris (Mr. MacFarlane appearing) for the New York Central and Hudson River Railroad Company; Reynolds, Stanchfield & Collin (Mr. Sayles appearing) for the Delaware, Lackawanna and Western Railroad Company and the Lehigh Valley Railroad Company, in opposition; Edward G. Herendeen for the Elmira Water, Light and Railroad Company, in opposition; W. H. Welch and Walter Blythe Thomson for the Northern Central Railroad, to object to any grade crossing; Richard T. Dana for the Dansville and Mount Morris Railroad Company, in opposition; G. N. Orcutt and C. D. Newton for the Erie Railroad Company, in opposition. After hearing evidence and arguments a recess was taken in this matter until 2 p. m. (Case No. 3690.)

Application of the Delaware, Lackawanna and Western Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of said company's railroad and the Lehigh Valley Railroad just west of Thurston street, Elmira, and for consent to the discontinuance of the full stop and crossing on signal at said crossing. Reynolds, Stanchfield & Collin (Mr. Sayles appearing) for the applicant. No one else appeared. After hearing arguments the hearing was closed. (Case No. 3736.)

Orders.

Application of the Delaware, Lackawanna and Western Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of said company's railroad and the Lehigh Valley Railroad just west of Thurston street, Elmira, and for consent to the discontinuance of the full stop and

crossing on signal at said crossing. Granted, as shown by office original determination on file. (Case No. 3736.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning except that Messrs. MacFarlane, Welch and Thomson were not present. After hearing evidence and arguments further the hearing was adjourned until Wednesday, October 24, 1906, 10 a. m., at the common council chamber, Elmira. (Case No. 3690.)

The Board adjourned.

ELMIRA, OCTOBER 24, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Appearances as yesterday afternoon except that Mr. Newton and Mr. McIntire were not present and W. J. Tully was present for the Corning and Painted Post Street Railway Company and the Elmira, Corning and Waverly Railway. After hearing evidence and arguments further a recess was taken until 2 p. m. (Case No. 3690.)

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

The hearing in the application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments further the evidence was closed except that Mr. Orcutt is to file with the Board an affidavit of an engineer as to the work which has been done in the electrification of the Erie Railroad from Rochester to Mount Morris. Mr. Orcutt is also to file with the Board a copy of the contract for this work, which has heretofore been accepted in evidence though not produced. Mr. Orcutt is also to file if it now exists a copy of a contract for the electrification of the Erie Railroad from Mount Morris to Elmira. Mr. Orcutt is also to file with the Board and furnish Mr. Sutherland a copy of a statement of earnings of Erie Railroad from Corning to Rochester for a year. This matter is to be summed up before the Board in Albany on Friday, November 9, 1906, at 2 p. m. There has been no evidence (in executive session) in this case on the *bona fides* of the application and the liability of the projectors to build the road. (Case No. 3690.)

The Board adjourned.

AUBURN, OCTOBER 25, 1906.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board) in the matter of the petition of the town board of the town of Sennett, Cayuga county, under section 62 of the Railroad Law, as to changing the Grant avenue grade crossing of the Auburn branch of the New York Central and Hudson River Railroad in said town to an overcrossing and the construction of a new piece of highway from Grant avenue to Phelps highway and the closing and discontinuance of the Phelps highway existing overcrossing of said railroad (the reason of this closing of Phelps highway overcrossing being that the grade to the bridge is prohibitive to heavy traffic). Drummond, Drummond & Drummond for the petitioners. The members of the town board were also present. Clark Phelps, a property owner, appeared in person; Peter Riley, a property owner, appeared in person; Frank Riley appeared in person as a property owner and as highway commissioner of the town; Charles Phelps, a property owner, appeared in person. Harris & Harris (Mr. Beach appearing) for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 620.)

NEWBURGH, OCTOBER 26, 1906.

The adjourned hearing which was to have been held to-day before Commissioners Dickey and Rockwell in the matter of the petition of the town board of the town of Cornwall as to the Willow avenue grade crossing of the New York, Ontario and Western Railway at or near Firthcliffe station on said railway, was not held, having been postponed at the request of the supervisor of the town to a date to be thereafter fixed. (Grade Crossing Case No. 592.)

NEW YORK, OCTOBER 30, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey and Rockwell.

Hearings.

Application of the Fort George Street Railway Company for a certificate under section 59 of the Railroad Law. A. L. Everett for the applicant; no one else appeared. After hearing evidence and arguments the hearing was closed. The Board, in executive session, heard testimony on the *bona fides* of the applicant and the ability of the projectors to build the road. (Case No. 3709.)

Application of the Suffolk Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Collin, Wells & Hughes (Messrs. Collin & Hughes appearing) for the applicant. Hornblower, Byrne, Miller & Potter (Arthur Carter Hume appearing) for the South Shore Traction Company, in opposition; James C. Bergen for property owners along the South Country road, in opposition; Clarence Lexow for the Cross Island Traction Company (which has not yet applied for a certificate under section 59), in opposition; H. A. Stickney for property owners in the village of West Islip; J. F. Keany for the Babylon Railroad Company. After hearing evidence and arguments the hearing was adjourned until Wednesday, November 21, 1906, 2 p. m., at the New York office of the Board, room 5096, Metropolitan Building, 1 Madison avenue, New York city. (Case No. 3672.)

West Side Taxpayers' Association of New York city, against the New York

Central and Hudson River Railroad Company as to operation of freight trains on Eleventh avenue. H. G. Schneider for complainants; Albert H. Harris for the New York Central and Hudson River Railroad Company. After hearing arguments the hearing was closed. This case was closed on the minutes of May 31, 1905, and is now re-opened. (Case No. 3322.)

Application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in the county of Orange. Further hearing. H. A. Taylor, attorney, and F. L. Stuart, chief engineer, for the applicant; A. H. F. Seeger, attorney, Patrick Murphy, highway commissioner, and Walter Denniston, supervisor, for the town of New Windsor; W. L. Dickerson, attorney, for the town of Hamptonburg; C. E. Cuddeback, attorney, W. H. Nearpass, supervisor, and C. J. Van Inwegen, commissioner of highways, for the town of Deer Park; H. W. Chadeayne for the town of Cornwall; Robertson, Harmon & Davies for the town of Mount Hope (this appearance was over telephone; desire to be notified of further hearings). After hearing arguments the hearing was closed as to all of the crossings except B-13 in the town of Wallkill and A-1 in the town of Mount Hope. (Grade Crossing Case No. 600.)

The Board, in executive session, heard S. A. McIntire, attorney of the Rochester-Corning-Elmira Traction Company (street surface) in its application for a certificate, under section 59 of the Railroad Law, as to the *bona fides* of the applicant and the ability of the projectors to build the railroad. The only evidence submitted was a letter which was filed with the Board. (Case No. 3690.)

Complaints.

Olin J. Stephens and William Stonebridge against the Union Railway Company. A further complaint dated October 28, 1906, was received from William Stonebridge as to the non-operation of the Kingsbridge line of said company's railway after midnight. Ordered letter of recommendation written company, as shown by office original on file, as to operation of this line after 12:15 a. m. for thirty days. This case was closed on the minutes of September 10, 1906, and is now re-opened. (Case No. 3615.)

Citizens' Improvement League of Kensington, Parkville and vicinity against the Brooklyn Heights Railroad Company as to service rendered the public. Two reports dated October 30, 1906, were received from the electrical expert. Ordered copies sent company with letters of recommendation, as shown by office original letters on file. Also ordered that complainants be so notified. (Case No. 3476.)

Report of the electrical expert, dated October 26, 1906, in relation to the heating of cars of the New York City Railway Company. Ordered letter of recommendation written company, as shown by office original letter on file, and that S. G. Tracy, M. D., a complainant (Case No. 3682) and Louis H. Pink, a complainant (Case No. 3524), be notified of the recommendation. (Case No. 3781.)

S. L. Blumenson against the Manhattan Railway Company (leased to and operated by the Interborough Rapid Transit Company) in relation to stations on the Second and Third avenue elevated lines of the Manhattan Railway, particularly the station at Rivington and Allen streets. Report dated October 25, 1906, of the electrical expert, recommending that additional stairways be added to each, the north and south bound stations, at Rivington street. Ordered copy sent to the Interborough Rapid Transit Company, with a letter of recommendation, as shown by office original letter on file. (Case No. 3742.)

S. A. Saunders against the New York City Railway Company as to cars being delayed at the base ball grounds at One Hundred and Sixty-eighth street. Report dated October 25, 1906, received from the electrical expert. Ordered copy sent company with a letter of recommendation, as shown by office original letter on file. (Case No. 3659.)

Reports.

Report of the electrical expert dated October 25, 1906, as to height of car steps on street surface railroad cars. Ordered filed. (Case No. 3780.)

Orders.

Application of the Nypano Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad to be constructed in Chautauqua county upon a changed route and for a determination of the manner in which a branch connection or cut-off of its railroad to be constructed in Chautauqua county shall cross highways. Determination, as shown by office original determination on file. (Grade Crossing Case No. 626.)

Application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues and highways in Orange county. Determination as to all of the crossings in the towns of Deer Park, Mount Hope, Hamptonburg, Blooming Grove, New Windsor, Cornwall and Woodbury, except crossing A-1 in the town of Mount Hope, and except crossing B-13 in the town of Wallkill, as shown by office original determination on file. All the other crossings in the town of Wallkill have been heretofore (September 11) determined. (Grade Crossing Case No. 600.)

The Board adjourned.

NEW YORK, OCTOBER 31, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockell.

Reports.

Report of the inspector, dated October 30, 1906, in relation to an accident which occurred on the Harlem River and Port Chester branch of the New York, New Haven and Hartford Railroad at the Bronx river drawbridge September 23 last. Ordered copy sent company with letter of recommendation, as shown by office original letter on file. (Steam Case No. 58 — 1906.)

The Board ordered that the inspector report immediately as to the condition of drawbridges on railroads in this State. (Case No. 3780.)

Hearings.

Adjourned hearing in the application of the New York and Portchester Railroad Company for consent of this Board to the issuance of a first mortgage for twenty million dollars (\$20,000,000) and in the application of said company for approval of this Board of an increase of its capital stock from two hundred and fifty thousand dollars (\$250,000) to twenty million dollars (\$20,000,000). Frank Sullivan Smith and W. C. Gotshall for the applicant; Louis H. Marshall for the New York Railroad and Development Company, in opposition; J. H. McCrahon for the New York, Westchester and Boston Railway Company, in opposition. Without the hearing of evidence or arguments and on request of counsel the hearing was adjourned until Tuesday, November 20, 1906, 10 a. m., at the New York office of the Board. (Cases Nos. 3732 and 3733.)

Ossining Board of Trade against the Westchester Traction Company as to condition of its railroad and as to service rendered the public. Frank L. Young, attorney, Dr. A. W. Twigger, president, Irving R. Williams, secretary, and Paul M. Pierson, Harrison L. Cornell and Albert Camp, directors, of the Board of Trade of Ossining, for complainants; Robert E. Farley for the company. After hearing evidence and arguments the hearing was closed. (Case No. 3734.)

Orders.

In the matter of the complaint of the Ossining Board of Trade against the Westchester Traction Company as to condition of its railroad and as to service rendered the public. Ordered that the railroad shall cease operations until improvements are made, as shown by office original order on file. (Case No. 3735.)

West Side Taxpayers' Association, of New York city, against the New York Central and Hudson River Railroad Company as to operation of freight trains on Eleventh avenue. Ordered recommendations issued to the company, as shown by office original recommendations on file. (Case No. 3322.)

The Board adjourned.

SHINNECOCK HILLS, N. Y., NOVEMBER 1, 1906 — 1 P. M.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Rockwell.

Hearings.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the Clay Pit road in the town of Southampton, Suffolk county, situated at a point about 160 feet west of the Shinnecock Hills station on said railroad, the travel thereon to be diverted therefrom by the existing Clay Pit road highway and other existing highways to an undercrossing of said railroad proposed to be constructed at a point about 200 feet west of the existing grade crossing with approaches to said undercrossing. J. F. Keany for the petitioner. Thomas W. Lister, supervisor, E. P. Rogers, highway commissioner, F. B. Phillips, highway commissioner, Edward H. Foster, justice of the peace, Marcus E. Griffin, justice of the peace, for the town board of the town of Southampton. William C. Redfield, president of the Shinnecock Hills and Peconic Bay Realty Company, for said company, and William C. Green also appeared. After hearing evidence and arguments the evidence was closed, but the matter was held open. (Grade Crossing Case No. 630.)

1:30 P. M.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as the North highway or Cherry Tree road in the town of Southampton, Suffolk county, situated at a point about 9,440 feet east of the Good Ground station on said railroad, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad proposed to be constructed at a point about seventy-five feet east of the said existing grade crossing. J. F. Keany for the petitioner. Thomas W. Lister, supervisor, E. P. Rogers, highway commissioner, F. B. Phillips, highway commissioner, Edward H. Foster, justice of the peace, Marcus E. Griffin, justice of the peace, for the town board of the town of Southampton. William C. Redfield, president of the Shinnecock Hills and Peconic Bay Realty Company, for said company, and William C. Green also appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 631.)

2 P. M.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the grade crossing of said company's railroad by a highway known as St. Andrews road in the town of

Southampton, Suffolk county, situated at a point about 1,985 feet east of the Golf Grounds station on said railroad, the travel thereon to be diverted therefrom by the construction of new pieces of highway to an undercrossing of said railroad proposed to be constructed at a point about 240 feet east of the present grade crossing. J. F. Keany for the petitioner. Thomas W. Lister, supervisor, E. P. Rogers, highway commissioner, F. B. Phillips, highway commissioner, Edward H. Foster, justice of the peace, Marcus E. Griffin, justice of the peace, for the town board of the town of Southampton. William C. Redfield, president of the Shinnecock Hills and Peconic Bay Realty Company, for said company, and William C. Green also appeared. After hearing evidence and arguments the evidence was closed but the matter was held open. (Grade Crossing Case No. 633.)

Orders.

Petition of the Long Island Railroad Company, under section 62 of the Railroad Law, as to changing the Roslyn road highway grade crossing of its railroad in the town of North Hempstead, Nassau county, situated at a point about 1,400 feet distant easterly from the Mineola station on said company's railroad, to an overcrossing with an approach to said proposed overhead bridge from Front street. Denied. (Grade Crossing Case No. 613.)

The Board adjourned.

ALBANY, NOVEMBER 8, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Schenectady and Margaretville Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Edward J. Welch for the applicant; C. P. Sanders for the village of Scotia,—the village was also represented by trustees; L. E. Carr for The Delaware and Hudson Company and for the New York, Ontario and Western Railway Company; W. P. Rudd for the New York Central and Hudson River Railroad Company and for the Schenectady Railway Company; George M. Palmer for the Schoharie Valley Railway Company; Amos Van Etten for the Ulster and Delaware Railroad Company; Frank Burton for the Fonda, Johnstown and Gloversville Railroad Company; J. P. O'Brien for the Boston and Maine Railroad. After hearing evidence and arguments a recess in this matter was taken until 2 p. m.

Reports.

A report dated November 8, 1906, was received from the electrical expert as to operation of open cars by the Brooklyn Heights Railroad Company. Ordered recommendation to the company that no open cars be operated after 9 a. m., Saturday, the 10th instant. In this matter a letter dated November 2, 1906, was received from William Rasbrick of Jamaica. Ordered filed. (Case No. 3795.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Schenectady and Margaretville Railroad Company (steam) for a certificate under section 59 of the Railroad Law

was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Thursday, November 22, 1906, 11:30 a. m., at the office of the Board in Albany. The applicant has finished its case except in rebuttal. The Board in executive session heard evidence as to the *bona fides* of the application and the ability of the projectors of the railroad to construct it. (Case No. 3744.)

Adjourned hearing in the application of the Hancock and East Branch Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Edward J. Welch for the applicant; L. E. Carr for The Delaware and Hudson Company and the New York, Ontario and Western Railway Company; Amos Van Etten for the Ulster and Delaware Railroad Company. After hearing evidence and arguments the hearing was adjourned until Thursday, November 22, 1906, 11:30 a. m., at the office of the Board in Albany. The applicant has finished its case except in rebuttal. The Board in executive session heard evidence as to the *bona fides* of the application and the ability of the projectors of the railroad to construct it. This hearing was set for 10 a. m. and was called at that time but not heard until after the Schenectady and Margaretville Railroad Company's case was heard. (Case No. 3745.)

The Board took a recess until 7:30 p. m.

AFTER RECESS — 7:30 P. M.

The Board again met. Present, Commissioners Baker, Dickey, Aldridge and Rockwell. The minutes of the meetings of October 11, 16, 17, 18, 22, 23, 24, 25, 26, 30, 31 and November 1 were read and approved.

Complaints.

West Side Taxpayers' Association of New York city against the New York Central and Hudson River Railroad Company as to operation of freight trains on Eleventh avenue. A letter dated November 5, 1906, and telegram dated November 8, 1906, were received from the company. Ordered that Commissioner Rockwell report on the 9th instant as to the operation of the freight trains. (Case No. 3322.)

Walter B. James, M. D., of New York city, against The Delaware and Hudson Company, as lessee of the Chateaugay and Lake Placid Railway, as to passenger fare charged from Saranac to Lake Placid. Answer of company received. Copy sent complainant. Ordered hearing set for Thursday, November 22, 1906, 10 a. m., at the office of the Board in Albany,—only Mr. Carr, for the company, and the Attorney-General to be notified. (Case No. 3731.)

Robert L. Weaver, principal of Painted Post High School, against the Erie Railroad Company and the Delaware, Lackawanna and Western Railroad Company as to alleged excessive whistling of locomotive engines. Copy sent companies. Answer of Erie Railroad Company received. Copy sent complainant. (Case No. 3764.)

Claremont Heights Property Owners' Association against the Union Railway Company as to said company building its railroad along Morris avenue northerly from One Hundred and Sixty-first street, New York city. Letter dated October 30, 1906, received from complainant, and letter dated November 2, 1906, received from company. Copy of company's letter sent complainant. Closed. (Case No. 3720.)

Ocean Side Board of Trade against the Long Island Railroad Company as to discontinuing the operation of its Long Beach line after November 1st. Copy sent company. Answer of company received. Copy sent complainant. Reply of complainant received. Letter dated October 27, 1906, received from company. Ordered hearing set for Wednesday, November 21, 1906, 11 a. m., at the New York office of the Board, room 5096, Metropolitan building,, 1 Madison avenue, New York city. (Case No. 3770.)

Clarence R. Comes against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to need of additional stair-

way at the southwest corner of Chambers street to the station of the Manhattan Railway at that point. Copy sent company. Ordered hearing set for Tuesday, November 20, 1906, 2 p. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3785.)

West Morrisania Club of New York city against the New York Central and Hudson River Railroad Company as to removal of passenger trains which formerly stopped at Melrose station from its winter schedule. Copy sent company. Answer of company received as to partial restoration of this service. Copy sent complainant. Closed. (Case No. 3787.)

Town board of the town of Newfane, Niagara county, against the International Railway Company as to condition of track of said company on Mechanics street in said town. Reply of complainant to answer of company received. Letter dated October 30, 1906, received from company. Copy sent complainant. Closed. (Case No. 3740.)

St. Lawrence Council No. 276, Order of United Commercial Travelers of America, against the Rutland Railroad Company as to schedule of passenger trains. Copy sent company. (Case No. 3774.)

Ossining Board of Trade against the Westchester Traction Company as to condition of its railroad and as to service rendered the public. Report dated November 2, 1906, received from the electrical expert, to the effect that this railroad is not in operation, this Board on the 31st ultimo having ordered it to cease operation until improvements are made. Letter dated November 5, 1906, received from company as to what improvements should be made to allow of resumption of operations temporarily. Ordered that the electrical expert report in this matter. (Case No. 3736.)

William B. Young for a client, Miss Catherine Stephens, against the old Nyack and Northern (Nyack and Southern) Railroad, operated by the Erie Railroad Company. A report dated October 30, 1906, was received from the superintendent of the grade crossing bureau as to the physical condition of this railroad. Ordered copy sent company with a letter, as shown by copy on file. Also ordered letter sent complainant. (Case No. 3641.)

S. C. Hudey of Malone against the Rutland Railroad Company as to connection of passenger trains at Norwood. Note on letter dated October 26, 1906, received from complainant. Closed,—this case involving the same matters as case No. 3774, Order of United Commercial Travelers of America against the Rutland Railroad Company. (Case No. 3748.)

Business Men's Association of the city of Corning against the Erie Railroad Company as to said company's passenger station at that point. Letter dated November 1, 1906, received from company stating that it is expected plans for this station will be ready by November 20 to 25. Copy sent complainant. (Case No. 3645.)

George E. Spring, attorney for Gowanda State Homeopathic Hospital, against the Erie Railroad Company as to new station at Collins. Letters dated October 29 and November 1, 1906, received from company stating that it is intended to construct a new station at Collins next summer. Copies sent complainant. (Case No. 3609.)

John H. Duryea against the Long Island Railroad Company as to obstruction by freight trains of the Main street crossing of said company's railroad in Farmingdale. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3782.)

The Auto Pump Company of Springville, Erie county, against the Buffalo, Rochester and Pittsburgh Railway Company as to freight rate on shipment of iron, etc., from Buffalo to Springville. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3769.)

John P. Kelley of Old Chatham against the Rutland Railroad Company as to condition of its fence along his farm. Letter dated October 15, 1906, received from complainant to the effect that the fence has been constructed. Ordered filed. This case was closed on the minutes of October 17, 1906, and is not re-opened. (Case No. 3666.)

H. Cotton against the Erie Railroad Company as to fence along his farm at Friendship. Answer of company received. Copy sent complainant. Reply

of complainant received. Ordered letter written company, as shown by copy on file. (Case No. 3730.)

George C. Hartin & Son of Mayfield against the Fonda, Johnstown and Gloversville Railroad Company and the New York Central and Hudson River Railroad Company as to freight rate charged on a case of notions from Albany to Mayfield. Copy sent companies. (Case No. 3783.)

A. P. Ordway against the Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company) as to lack of sufficient train service on the Sixth avenue elevated line, northbound, during the rush hours in the afternoon. Answer of company received. Copy sent complainant. The electrical expert has been instructed to report in this matter. (Case No. 3749.)

S. B. Hadsell of Lebanon Springs against the Rutland Railroad Company as to fence of said company along his farm. Letter dated October 29, 1906, received from company stating that the fence would be constructed on or about November 2. Copy sent complainant. Closed. (Case No. 3616.)

John R. Dorland of Rayville against the Rutland Railroad Company as to its fence along his farm. Letter dated October 29, 1906, received from company stating that the fence would be completed about November 15. Copy sent complainant. (Case No. 3725.)

S. A. Penny against the Oneonta and Mohawk Valley Railroad Company as to passenger cars not being heated. Copy sent company. Answer of company received. Ordered letter written company, as shown by copy on file. (Case No. 3765.)

John S. Rich of Marion against the Newark and Marion Railway Company (street surface) as to operation by locomotive steam power. Letter dated October 22, 1906, received from complainant withdrawing complaint. Letter dated November 5, 1906, received from the company. Ordered filed. Closed. (Case No. 3760.)

Citizens' Improvement League of Kensington, Parkville and vicinity against the Brooklyn Heights Railroad Company as to service rendered the public. Letters dated October 31 and November 3, 1906, received from the company stating that it would comply with the recommendations of the Board. (See minutes of October 30, 1906.) Ordered filed. Closed. (Case No. 3476.)

Residents of Honeoye Falls against the Lehigh Valley Railroad Company as to passenger train service to Rochester. Copy sent company. (Case No. 3784.)

George M. Franklin and others of East Henrietta against the Lehigh Valley Railroad Company as to passenger train service to Rochester. Answer of company received. Copy sent complainants. Also copy sent complainants in case No. 3784. (Case No. 3752.)

T. J. Johnston against the Brooklyn Heights Railroad Company as to service rendered the public. Letter dated October 20, 1906, received from complainant. Ordered that the complainant be asked to appear before the Board on Tuesday, the 20th instant, 4 p. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3657.)

U. S. Grant Cure against the Ulster and Delaware Railroad Company as to freight rates on hard coal. This case was closed on the minutes of April 24, 1906, and is now re-opened because of a letter dated October 22, 1906, received from complainant. Ordered copy of said letter sent company. (Case No. 3496.)

Residents of South Gilboa against the Ulster and Delaware Railroad Company, asking that a new station and side tracks be established at that point. Ordered hearing set for Thursday, November 22, 1906, 2:30 p. m., at the office of the Board in Albany. This case was closed on the minutes of September 10, 1906, and is now re-opened. (Case No. 3604.)

In the matter of the complaint of John Dort and C. J. Beardsley against the Pennsylvania Railroad Company as to its station at Oramel, a letter dated October 20, 1906, was received from complainant Dort as to non-compliance with the recommendations of the Board of August 18, 1906. Ordered

company and complainants be notified to appear before the Board in Buffalo, Wednesday, November 14, 12 o'clock m. (Case No. 3589.)

E. C. Bridgman against the Staten Island Rapid Transit Railway Company as to ringing of bells, blowing of whistles, blowing off of steam and smoke of locomotives. Ordered hearing set for Wednesday, November 21, 1906, 12 o'clock m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3653.)

W. F. Bailey against the Brooklyn Heights Railroad Company as to operation of trains on Sundays on its Brighton Beach line. Copy sent company. Answer of company received, stating that a new schedule of Sunday trains on this line giving a fifteen minute headway would be put into effect the 4th instant. Copy sent complainant. Reply of complainant received. Closed. (Case No. 3771.)

John Allaire against the Brooklyn Heights Railroad Company as to operation of cars from the Thirty-ninth street ferry to Ulmer Park mornings and evenings. Answer of company received. Copy sent complainant. This case was re-opened on the minutes of October 17, and is again closed. (Case No. 3620.)

Fred Fear against the Brooklyn Heights Railroad Company in relation to operation of trains on its Fulton street elevated line. Copy sent company. (Case No. 3772.)

S. J. Wilson of Geneva against the New York Central and Hudson River Railroad Company as to filling up the sewer pipe on his farm by contractors working on said company's railroad between Geneva and Lyons. Answer of company received, stating that the matter would be corrected. Copy sent complainant. Letter dated November 3, 1906, received from complainant to the same effect. Closed. (Case No. 3761.)

B. G. Wooden and others against the New York Central and Hudson River Railroad Company as to highway crossing of the Pennsylvania branch of said company's railroad near the northeast boundary of Geneva. Letter dated October 15, 1906, received from company. Ordered filed. This case was closed on the minutes of October 3, 1906, and is not re-opened. (Case No. 3717.)

Lewis L. Young against the Brooklyn Heights Railroad Company as to operation of its Brighton Beach line. Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3778.)

W. Wirt Mills against the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Letter dated October 18, 1906, received from complainant. Commissioner Baker is to report in this matter. This case was closed on the minutes of September 10 and is now re-opened. (Case No. 3678.)

A. Andriess against the Richmond Light and Railroad Company as to operation of cars on its Silver Lake line. Answer of company received. Copy sent complainant. The electrical expert is to report in this matter. (Case No. 3726.)

P. B. Carpenter of Stephentown against the Rutland Railroad Company as to fence of said company along his farm. Letter dated October 25, 1906, received from company stating that the fence will be constructed. Copy sent complainant. Closed. (Case No. 3670.)

Louis H. Gein against the Union Railway Company as to non-operation of its railway on Broadway from Kingsbridge to Yonkers. Report dated October 26, 1906, received from the electrical expert that this line is in operation. Ordered filed. This case was re-opened on the minutes of August 1, 1906, and is now again closed. (Case No. 3581.)

Property Owners' Association, Twenty-third Ward, Borough of the Bronx, New York city, against the Union Railway Company as to service rendered the public and as to delay in constructing the New York city Inter-Borough Railway on One Hundred and Forty-ninth street. Ordered hearing set for Friday, November 23, 1906, 2 p. m., at Protection Hall, Borough of the Bronx, New York city. (Case No. 3756.)

H. P. Quick against the Brooklyn Heights Railroad Company as to not giving transfers from its Montague street surface line to its elevated railroad

line at the Myrtle avenue station. Ordered letter written complainant that the Board will not consider this matter until after the case in the courts as to ten cents fare to Coney Island is determined. (Case No. 3753.)

Brotherhood of Locomotive Engineers as to use of flangers on locomotive engines. Closed. (Case No. 3518.)

Charles J. Austin, president, New York Hay Exchange Association, against the New York City Railway Company as to operation of buffalo car on Thirty-fourth street from west of Tenth avenue to the North river. Letter dated October 16, 1906, received from complainant. The electrical expert is to report in this matter. (Case No. 3567.)

Erie Railroad Company against the New York Central and Hudson River Railroad Company as to interlocking switch and signal apparatus to be installed at Batavia where said railroads cross at grade. Letter dated October 22, 1906, received from the New York Central and Hudson River Railroad Company. Letter dated October 25, 1906, received from the Erie Railroad Company. Ordered hearing in this matter set for Tuesday, November 20, 1906, 11:00 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3715.)

S. A. Saunders against the New York City Railway Company. Letter dated November 7, 1906, received from company as to compliance with the recommendation of this Board as to additional track for storage of additional cars at base ball grounds at One Hundred and Sixty-eighth street. Ordered filed. (Case No. 3659.)

Applications.

In the matter of the recommendations of this Board as to the physical condition and the equipment of the New York and Queens County Railway (involved in its application for the issuance of a mortgage), a letter dated October 25, 1906, was received from the company as to compliance with the recommendations. Ordered filed. (Case No. 2590.)

Application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the passenger station on the West Shore Railroad, its lessor, at Hammond avenue in East Utica, it being proposed to construct a new passenger station on the West Shore Railroad at Genesee street, Utica. Ordered hearing set for Monday, November 26, 1906, 3 p. m., at Baggs hotel, Utica. (Case No. 3766.)

Application of the New York Central and Hudson River Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at the grade crossing of the Lehigh Valley Railroad and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Canastota and for consent to the discontinuance of the full stop and crossing on signal of trains and locomotives at said crossing. Ordered granted without a hearing. (Case No. 3775.)

Application of the Cortland and Auburn Railroad Company (not street surface) for a certificate under section 59 of the Railroad Law. Ordered carried on file. (Case No. 3776.)

Reports.

A proposed circular on the subject of block signal systems on steam railroads was considered. Ordered referred to Commissioner Rockwell, who is to consult further with the inspector. (Case No. 3791.)

In the matter of the recommendations of this Board to the Wallkill Transit Company as to the installation of new crossing frog and metal trough on its trolley wire at the point where its railroad crosses the Erie Railroad in North street, Middletown. A report dated October 24, 1906, was received from the inspector of grade crossings. Letter dated October 30, 1906, written company as to the crossing frog and metal trough being installed. Ordered further letter written company. (Case No. 3340.)

Orders.

Application of the Erie and Jersey Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing streets, avenues or highways in the county of Orange. Determination as to crossing B-13 in the town of Wallkill, as shown by office original determination on file. (Grade Crossing Case No. 600.)

Application of the New York Central and Hudson River Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at the crossing of the Lehigh Valley Railroad and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Canastota and for consent to the discontinuance of the full stop and crossing on signal of trains and locomotives at said crossing. Granted. (Case No. 3775.)

The Board adjourned.

ALBANY, NOVEMBER 9, 1906.

The Board met pursuant to adjournment. Present, Commissioners Baker, Dickey and Aldridge. Commissioner Rockwell was absent in New York, as to operation of freight trains on Eleventh avenue. (Case No. 3322.)

Hearings.

Application of the Paul Smith's Electric Light and Power and Railroad Company for approval of an increase of its capital stock from one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), and application of the Paul Smith's Electric Light and Power and Railroad Company for consent to the issuance of a first mortgage for five hundred thousand dollars (\$500,000). These two cases were heard together. Badger & Cantwell (Mr. Cantwell appearing) for the applicant. After hearing arguments the hearing was closed. (Cases Nos. 3754 and 3755.)

Application of the United Traction Company (street surface), under section 68 of the Railroad Law, for a determination of the manner in which one additional track of its railroad shall cross the Troy Union Railroad (steam) on Fourth street in the city of Troy. P. C. Dugan for the applicant. No one else appeared. After hearing evidence and arguments the hearing was closed. (Case No. 3757.)

Application of the United Traction Company (street surface), under section 68 of the Railroad Law, for a determination of the manner in which one additional track of its railroad shall cross the railroad (steam) operated by The Delaware and Hudson Company on Ontario street in Cohoes. P. C. Dugan for the applicant. No one else appeared. After hearing evidence and arguments the hearing was closed. (Case No. 3758.)

Application of the Greenwich and Johnsonville Railway Company, under section 60 of the Railroad Law, as to a branch of its railroad crossing streets and highways in Washington county. The hearing on this date was set as to crossings Nos. 16 and 17, and was held in relation to them. Herbert Van Kirk, counsel, and I. C. Blandy, president of the company, for the applicant. At this hearing the applicant asked the Board to modify its determination of October 17, 1906, as to crossings Nos. 1, 6, 10 and 11, 14 and 15, and evidence was heard in relation to these crossings, but inasmuch as proper notice of application for modification of said determination has not been given it was determined that another hearing, after proper notice and after the filing of a proper petition for modification, should be given on Thursday, November 22, 1906, at 3 p. m. (Grade Crossing Case No. 628.)

Petition of the town board of the town of New Scotland, under section 62 of the Railroad Law, as to changing the New Scotland and Wolf Hill road highway grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an undercrossing. Albert Vanderpoel, supervisor, Nicholas McCulloch, town clerk, William J. Reid, John Ryall, William J. Ackerman, and Jacob M. Wright, justices of the peace, for the town; W. P. Rudd for the New York Central and Hudson River Railroad Company, in favor of the petition. After hearing evidence and arguments the hearing was closed. (Grade Crossing Case No. 623.)

Applications.

Application of the Tuscarora Traction Company for a certificate under section 59 of the Railroad Law. Ordered adjourned hearing set for Tuesday, December 4, 1906, 10 a. m., at the office of the Board in the Capitol, Albany, the Erie Railroad Company having notified the Board that it intended to offer testimony. (Case No. 3687.)

Reports.

Report dated November 1, 1906, of the inspector of locomotive boilers as to the dropping of crown-sheet of boiler of locomotive engine No. 1660 on the Erie Railroad near Chemung, October 4, 1906. Ordered copy sent company. (Steam Case No. 67 — 1906.)

In the matter of the recommendations of this Board dated September 4, 1906, to the International Railway Company growing out of an accident on the Lookport and Olcott division of said company's railway, July 11, 1906, a letter dated October 20, 1906, was received from the company stating that the wrecking tools recommended are being provided. Ordered filed. (Street Case No. 37 — 1906.)

In the matter of the recommendations of this Board, contained in a letter dated October 4, 1906, to the Bennington and Hoosick Valley Railway Company, growing out of an accident at a grade crossing of said company's railway and the Boston and Maine Railroad at River street in Hoosick Falls, a letter dated October 31, 1906, was received from the Bennington and Hoosick Valley Railway Company. Ordered filed. (Steam Case No. 41 — 1906.)

In the matter of the recommendations of this Board contained in a letter dated October 23, 1906, to the Yonkers Railroad Company, growing out of a derailment of a car on the McLean avenue line of said company's railroad October 1, 1906, a letter dated October 27, 1906, was received from the company as to compliance with the recommendations. Ordered letter written company, as shown by copy on file. (Street Case No. 45 — 1906.)

In the matter of the recommendations of this Board dated September 18, 1906, to the New York Central and Hudson River Railroad Company, growing out of a grade crossing accident on the West Shore Railroad, lessor, at Marlborough, a letter dated October 17, 1906, was received from the company. Ordered letter written company, as shown by copy on file. (Steam Case No. 54 — 1906.)

Crossings.

In the matter of the application of the Genesee River Railroad Company, under section 60 of the Railroad Law, as to its railroad crossing highways in the counties of Livingston and Allegany, a memorandum as to the determination which has been made in this matter was submitted to the Board. Ordered filed with the case. (Grade Crossing Case No. 625.)

In the matter of the determination of this Board, under section 60 of the Railroad Law, dated February 13, 1906, as to a second track of the Highland division of the New York, New Haven and Hartford Railroad Company crossing streets, avenues or highways between Hopewell Junction and the boundary line between the States of New York and Connecticut, a letter dated October 24, 1906, was received from the company as to the work at the crossings at Stormville and Towners not to be done until early next spring. Ordered letter written company that this Board has no objection. (Grade Crossing Case No. 559.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street, Niagara Falls, grade crossing of the Erie Railroad to an undercrossing, a blue print plan of pipe railing to be used at this point was submitted to the Board, together with a report thereon dated October 30, 1906, from the superintendent of the grade crossing bureau. Ordered said blue print plan approved. (Grade Crossing Case No. 501.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, proposals of contractors for the substructural work were submitted to the Board by the Erie Railroad Company, together with a report thereon dated October 31, 1906, from the superintendent of the grade crossing bureau. Ordered approved the proposal of W. A. Shepard & Company, estimated quantities, unit prices, estimated to amount in total to thirty-one thousand four hundred and eighty-seven dollars and thirty cents (\$31,487.30), it having agreed that this firm will reduce its contract price for embankment from thirty-eight cents (\$0.38) per cubic yard to thirty-six cents (\$0.36) per cubic yard. (Grade Crossing Case No. 293.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated May 23, 1906, as to the closing and discontinuance of the Sheep Pasture road grade crossing of the Long Island Railroad in the town of Brookhaven, Suffolk county, situated at a point about 8,960 feet easterly from the Setauket station on said railroad, and the construction of new pieces of highway and an overhead bridge crossing of said railroad at another point, a blue print detail plan for the bridge was submitted to the Board, together with a report thereon dated October 30, 1906, from the superintendent of the grade crossing bureau. This plan bears the approval of the supervisor of the town, and is the same as the plan approved by this Board on September 11, 1906, except that the width of the roadway of bridge on this plan is shown to be twenty-five feet, which is the width approved by this Board on September 11. Under these circumstances the company is not to be notified of approval of this plan inasmuch as it conforms to the approval of September 11. (Grade Crossing Case No. 225.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated October 3, 1906, as to the closing and discontinuance of the Glen Cove Back road grade crossing and the Roslyn road grade crossing of the Long Island Railroad and the construction of new pieces of highway and an undercrossing of said railroad, near the Greenvale station on said railroad, proposals of contractors for the bridge to carry the railroad at this undercrossing were submitted to the Board by the company, together with a report thereon dated November 8, 1906, from the superintendent of the grade crossing bureau. Ordered approved the proposal of the Eastern Steel Company, viz., three and twelve-hundredths cents (3.12 cents) per pound, estimated weight 29,000 pounds (one track), free on board cars Jamaica. The company is to do the substructural work itself and erect the bridge; the town is to do the grading of the new pieces of highway. (Grade Crossing Case No. 603.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 8, 1906, as to the closing and discontinuance of a grade crossing of The Long Island Railroad by the River road highway at Eastport in the town of Southampton, Suffolk county, and the construction of new pieces of highway and an overhead bridge crossing of said railroad to be located a short distance west of the present grade crossing, proposals of contractors for the superstructure were submitted to the Board by the company, together with a report thereon dated November 8, 1906, from the superintendent of the grade crossing bureau. Ordered approved the proposal of the Eastern Steel Company, viz., two and eighty-four-hundredths cents (2.84 cents) per pound, free on board cars Jamaica. The company is to do the substructural work itself and erect the bridge; the town is to do the grading of the new pieces of highway. (Grade Crossing Case No. 528.)

Application of the village of Canton for a re-hearing and a re-determination in the matter of the determination of this Board, under section 61 of the Railroad Law, dated August 24, 1905, as to Pleasant street crossing the Rome, Watertown and Ogdensburg Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) in said village. Ordered carried on file. (Grade Crossing Case No. 540.)

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Rippleton road highway grade crossing of the Chenango branch of the West Shore Railroad, lessor of the petitioner, in the town of Cazenovia, Madison county, and the construction of a new piece of highway and an overhead bridge crossing of said railroad at another point. Ordered filed. (Grade Crossing Case No. 644.)

Application of the New York and Port Chester Railroad Company, under section 60 of the Railroad Law, for a determination of the manner in which its railroad shall cross streets, avenues or highways in the counties of New York and Westchester. Ordered filed. (Grade Crossing Case No. 643.)

Petition of the New York Central and Hudson River Railroad Company, under section 62 of the Railroad Law, as to the closing and discontinuance of the Long road highway grade crossing of its railroad about two and eight-tenths miles east of Gasport station in the town of Royalton, Niagara county, and the construction of a new piece of highway and an overhead bridge crossing of said railroad at another point. Ordered filed. (Grade Crossing Case No. 645.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Niagara street, Niagara Falls, grade crossing of the Erie Railroad to an undercrossing, a report dated October 18, 1906, was received from the inspector of grade crossings. Ordered filed. (Grade Crossing Case No. 501.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Pine street, Niagara Falls, grade crossing of the Erie Railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company to an overcrossing, a report dated October 18, 1906, was received from the inspector of grade crossings. Ordered filed. (Grade Crossing Case No. 293.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 29, 1905, as to changing the Buffalo road highway grade crossing of the Buffalo, Rochester and Pittsburgh Railway in the town of East Hamburg, Erie county, to an undercrossing, a report dated October 17, 1906, was received from the inspector of grade crossings as to the progress of the work. Ordered filed. (Grade Crossing Case No. 419.)

In the matter of the determination of this Board, under section 62 of the Railroad Law, dated August 24, 1905, as to changing the Caskey's grade crossing of the Erie Railroad at Sparrowbush in the town of Deer Park, Orange county, to an undercrossing, a report dated November 7, 1906, was received from the superintendent of the grade crossing bureau as to work being done at this undercrossing at the suggestion of the town. Ordered filed. (Grade Crossing Case No. 464.)

Orders.

Petition of the town board of the town of New Scotland, under section 62 of the Railroad Law, as to changing the New Scotland and Wolf Hill road highway grade crossing of the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) to an undercrossing. Determination, as shown by office original determination on file, that the crossing shall be changed to an undercrossing. (Grade Crossing Case No. 623.)

Application of the Fort George Street Railway Company for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3709.)

Petition of the president and trustees of the village of Waverly, under

section 62 of the Railroad Law, as to changing the East Chemung street grade crossing of the Lehigh Valley Railroad in said village to an overhead bridge crossing. Granted. (Grade Crossing Case No. 576.)

Petition of the town board of the town of Sennett, Cayuga county, under section 62 of the Railroad Law, as to changing the Grant avenue grade crossing of the Auburn branch of the New York Central and Hudson River Railroad in said town to an overcrossing and the construction of a new piece of highway from Grant avenue to Phelps highway and the closing and discontinuance of the Phelps highway existing overcrossing of said railroad. Determination, as shown by office original determination on file, that the Grant avenue crossing shall be changed to an overcrossing and new piece of highway constructed and the Phelps highway overcrossing closed. (Grade Crossing Case No. 620.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Baker, Dickey and Aldridge.

Hearings.

Application of the Rochester-Corning-Elmira Traction Company (street surface) for a certificate under section 59 of the Railroad Law. This matter was summed up by G. N. Orcutt for the Erie Railroad Company, in opposition; Edward G. Herenden for the Elmira Water, Light and Railroad Company, in opposition; John B. Stanchfield for the Delaware, Lackawanna and Western Railroad Company and the Lehigh Valley Railroad Company, in opposition; Richard T. Dana for the Dansville and Mount Morris Railroad Company, in opposition; and William A. Sutherland for the applicant, and the hearing was closed. Two exhibits were marked in evidence. (Case No. 3690.)

Adjourned hearing in the petition of the mayor and common council of the city of Troy, under section 62 of the Railroad Law, as to the construction of an overhead bridge for pedestrians across the Boston and Maine Railroad at Middleburg street in said city—the proposition has since been changed so that if this matter was proceeded with it would likely be that the city would ask for an undercrossing for pedestrians instead of an overcrossing. J. P. O'Brien appeared for the Boston and Maine Railroad and stated that inasmuch as the company was to double track its railroad at this point this matter should not be proceeded with, in his opinion. This Board has recommended to the company that it so double track its railroad. No one appeared for the city. From statements of Mr. O'Brien it appeared that he was to consult the city as to the withdrawal of this petition because of the double tracking. Case ordered filed. (Grade Crossing Case No. 590.)

Adjourned hearing in the matter of the complaint of James Ackroyd & Sons against The Delaware and Hudson Company and the New York Central and Hudson River Railroad Company, as to freight charges. F. E. Wadhams for complainants; W. P. Rudd for the New York Central and Hudson River Railroad Company. Without the hearing of arguments or taking of evidence, at the request of attorney for complainants, the hearing was adjourned until Tuesday, December 4, 1906, 10 a. m., at the office of the Board in Albany. (Case No. 3644.)

Complaints.

West Side Taxpayers' Association of New York city against the New York Central and Hudson River Railroad Company as to operation of freight trains on Eleventh avenue. Commissioner Rockwell reported in this matter to-day. (Case No. 3322.)

Rosedale Board of Trade against the New York and Long Island Traction Company as to service rendered the public. Ordered hearing set for Tuesday, December 11, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3804.)

Reports.

Report of the inspector of locomotive boilers, dated November 3, 1906, as to boilers of locomotive engines operated on the Newark and Marion Railway. Ordered filed, the recommendation in the report as to the boiler of locomotive engine No. 74, having been complied with. (Locomotive Boiler Case No. 13.)

Report of the inspector of locomotive boilers, dated October 16, 1906, as to boiler of a locomotive engine operated by the Marcellus and Otisco Lake Railway Company. A copy of this report was sent to the company with a letter dated October 31, 1906. Ordered letter written the company as shown by copy on file. (Locomotive Boiler Case No. 11.)

Report of the inspector of locomotive boilers, dated September 8, 1906, as to signatures to certificates of inspection of locomotive boilers of the New York, New Haven and Hartford Railroad Company. Copy sent company with a letter dated October 16, 1906. A letter dated October 25, 1906, received from company to the effect that certificates hereafter would be signed by the inspector who actually makes the inspection. (Locomotive Boiler Case No. 7.)

In the matter of the recommendation of the Board contained in a letter dated September 25, 1906, to the Lowville and Beaver River Railroad Company as to locomotive boilers Nos. 10 and 51 (engines Nos. 10 and 51) of said company, a letter dated October 18, 1906, was received from the company to the effect that the recommendation would be complied with. Ordered filed. (Locomotive Boiler Case No. 8.)

In the matter of the recommendations of this Board, contained in a letter dated March 30, 1906, to the New York Central and Hudson River Railroad Company, as to a collision between trains on the West Shore Railroad, lessor, at Ravena, February 16, 1906—letter dated October 19, 1906, was received from the company to the effect that the recommendation (interlocking plant at west end of Ravena yard) would be complied with promptly. Ordered filed. (Steam Case No. 14—1906.)

In the matter of the recommendations of this Board contained in a letter dated August 16, 1906, to the New York Central and Hudson River Railroad Company, as to a collision on the West Shore Railroad, lessor, at the east end of Ravena yard—letter was received from the company as to compliance with the recommendations (interlocking plant.) Ordered filed. (Steam Case No. 30—1906.)

In the matter of the recommendations of this Board to the Fonda, Johnstown and Gloversville Railroad Company as to installation of derailing switches at points where its electric tracks and steam tracks cross at grade—letters dated October 23 and 25, 1906, were received from the company that the derailing switches have been installed and put in operation. Ordered filed. Closed. (Case No. 3215.)

Report of the electrical expert, dated October 30, 1906, as to brakes for street surface railroad cars, city, suburban and interurban. Ordered filed. (Case No. 3790.)

In response to request from the Board, letters dated November 5 and November 6, 1906, were received from the Pullman Company as to the method of cleaning cars of said company. Closed. (Case No. 3796.)

In the matter of the report of the inspector of his recent inspection of the Northern Central Railway in this State, a letter dated October 19, 1906, was received from the company as to compliance with the recommendations in said report. Ordered filed. (No. 21—1906.)

In the matter of the report of the inspector of his recent inspection of the Bath and Hammondsport Railroad, a letter dated October 27, 1906, was received from the company to the effect that the recommendations in said report would be complied with. Ordered filed. (No. 22—1906.)

Complaints.

Samuel G. Tracy against the New York City Railway Company as to transfers. Further complaint received from complainant as to transfers, operation of cars on Broadway and as to the heating of cars. Copy sent company. The electrical expert is to report in this matter. (Case No. 3682.)

Report by Commissioners Baker and Rockwell as to operating conditions on the New York and Queens County Railway and the Long Island Electric Railway. This report, which is to be made because of complaints against the companies operating these roads, has not yet been made. (Case No. 3767.)

Louis H. Pink, for the Milton Club and others, against the New York City Railway Company as to operation of its East Side lines and as to changing the motive power thereon from horses to electricity. Letter dated October 10, 1906, accompanied by copy of resolutions of East Side organizations, received from Mr. Pink. Ordered letter written company as shown by copy one file. (Case No. 3524.)

Olin J. Stephens and William Stonebridge against the Union Railway Company. Letter dated November 2, 1906, received from the company stating that it will comply with the recommendation of the Board as to operation of cars on its Kingsbridge line after 12:15 a. m., for thirty days. Ordered filed. (Case No. 3615.)

Applications.

In the matter of the certificate under section 59 of the Railroad Law, granted to the Hudson River and Eastern Traction Company, an opinion, dated October 24, 1906, was received from the Attorney-General to the effect that the writ of certiorari on behalf of the Westchester Traction Company had been served on the Board within the time limited under the provisions of the Code. Ordered filed. (Case No. 3530.)

In the matter of the determination of this Board, dated May 29, 1902, in the application of the Cortland County Traction Company as to crossing the Syracuse, Binghamton and New York Railroad in Elm street, Cortland—a letter dated October 18, 1906, was received from the Cortland County Traction Company, as to derailing switches in its railroad and metal trough on the trolley wire at this crossing. Ordered letter written company as shown by copy on file. (Case No. 2877.)

Orders.

West Side Taxpayers' Association of New York city against the New York Central and Hudson River Railroad Company as to operation of freight trains on Eleventh avenue. Ordered recommendations issued to company as shown by office original recommendations on file. (Case No. 3322.)

Bills Approved.

The following bills were approved:

General Expenses.

William McNeilly, (postage)	\$50 00
Frank M. Baker, (expenses)	65 00
C. R. Barnes, (expenses)	103 15
J. D. Shultz, (expenses)	40 50
G. P. Robinson, (expenses)	16 65
Karl F. Colson, (expenses)	24 50
John T. Kane, stenographer's service.....	120 00
"Klips," E. C. Cuyler secretary and treasurer.....	25 00
Brandow Printing Company	1 66
Brandow Printing Company	57 50
Postal Telegraph Cable Co.	14 60
Hudson Valley Paper Company	4 15

Harry J. Sternberg	64 33
A. H. Clapp	18 20
National Express Company	24 02
American Express Company	13 42
A. L. Judson, (expenses)	61 35
Metropolitan Life Ins. Co. (November rent N. Y. office)	177 15
W. E. Shepard, (checking car service, etc.)	150 00
H. C. Keyes (expenses)	5 00
Great Bear Spring Company	3 30
Lang Stamp Works	2-40
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Grade Crossing Expenses.

Frank M. Baker, (expenses)	\$35 00
A. H. Sutermeister, (expenses)	32 00
James E. Brazee, (expenses)	26 75
R. D. Mapes	4 00
Empire Garage Company	10 00
Marion C. Aldrich (stenographer's service)	8 31
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The Board adjourned.

OWEGO, NOVEMBER 10, 1906.

Hearings.

Hearing before Commissioner Baker (by delegation of the Board), on the petition, under section 62 of the Railroad Law, of the New York, Lackawanna and Western Railway Company, lessor, and the Delaware, Lackawanna and Western Railroad Company, lessee, as to the closing and discontinuance of two highway grade crossings of the New York, Lackawanna and Western Railway by Lackawanna avenue in the town (village) of Owego, Tioga county, and the construction of new pieces of highway and an overhead bridge crossing of said railway, C. E. Wickham, chief engineer of the Delaware, Lackawanna and Western Railroad Company, for the petitioner; J. T. Gorham for the village of Owego, in opposition; A. P. Storrs for Ida Storrs and Laura Hansell, property owners, in opposition; F. A. Darrow, a property owner, appeared in person, in opposition. It appeared that while the petition states that these crossings proposed to be closed are situated in the town of Owego that in fact they are situated in the village of Owego, which village did not receive notice of this hearing. Mr. Wickham asked consent to withdraw the petition. Under these circumstances the hearing was closed and the application to withdraw will be laid before the Board. (Grade Crossing Case No. 404.)

BUFFALO, NOVEMBER 13, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law.

Bushnell & Metcalf for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the Buffalo Frontier Terminal Railroad Company, in opposition; Simon Fleischmann for George P. Sawyer, the Hazard Powder Company, the Niagara River Investment Company and Messrs. Barse and Amm, property owners, in opposition. After hearing evidence and arguments a recess was taken until 1:30 p. m. (Case No. 3432.)

AFTER RECESS — 1:30 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law, was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, November 14, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Adjourned hearing in the application of the Chautauqua Traction Company, under section 68 of the Railroad Law, for a determination as to said applicant company's single track street surface railroad crossing the Lake Shore and Michigan Southern Railway on an overhead bridge crossing of said railway in Portage street in the village of Westfield. Jerome B. Fisher for the applicant; Lockwood, Hoyt & Green (Mr. Hoyt and Mr. Powell appearing) for the Lake Shore and Michigan Southern Railway Company, in opposition. After hearing arguments the matter was held open pending decision of the Board on question raised to-day by Mr. Hoyt as to the applicant applying to the courts under section 12 of the Railroad Law before the Board decides this matter. After this hearing was over W. A. Cochrane of Westfield, appeared before the Board and asked for notice of the next hearing in this matter. (Case No. 3743.)

Crossings.

Commissioner Baker reported to the Board that the New York, Lackawanna and Western Railway Company, lessor, and the Delaware, Lackawanna and Western Railroad Company, lessee, at a hearing before him in Owego on the 10th inst., asked leave to withdraw the petition of said companies, under section 62 of the Railroad Law, as to highway grade crossings of the New York, Lackawanna and Western Railway by Lackawanna avenue in the town (village) of Owego and the construction of new pieces of highway and an overhead bridge crossing of said railway. Such permission was ordered granted. (Grade Crossing Case No. 404.)

Orders.

Application of the United Traction Company (street surface) under section 68 of the Railroad Law, for a determination of the manner in which one additional track of its railroad shall cross the railroad (steam) operated by The Delaware and Hudson Company on Ontario street, Cohoes. Determination as shown by office original determination on file that said additional track shall cross the steam railroad at grade with conditions. (Case No. 3758.)

Recommendations were ordered issued to the New York City Railway Company as to increase in service as shown by office original recommendations on file. (Case No. 3805.)

The Board adjourned.

BUFFALO, NOVEMBER 14, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell. Commissioner Baker was absent in New York in the matter of the William Wirt Mills complaint against the Staten Island Midland and Richmond Light and Railroad companies.

Hearings.

John Dort and C. J. Beardsley against the Pennsylvania Railroad Company as to station at Oramel. In this matter the Board has made recommendations to the company, which have not been complied with. This hearing was to be on said non-compliance. Frank Rumsey for the company appeared and asked that the matter be adjourned. There was received a letter from A. P. McIntosh, attorney for complainants, asking that the matter be adjourned. There was also received a telegram from Jesse Phillips, asking that the recommendations be not changed. The matter was adjourned to a date to be hereafter fixed, in Buffalo. (Case No. 3569.)

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law. Appearances as yesterday, except that Mr. Metcalf was not present. After hearing evidence and arguments a recess in this matter was taken until 3 p. m.

AFTER RECESS — 3 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Application of The Terminal Railway of Buffalo, under section 60 of the Railroad Law, for a determination of the manner in which six additional tracks of its railway shall cross the French road highway, the Union road highway, the Lawson road highway and the Rowley road highway in the town of Cheektowaga, Erie county. Pooley & Spratt (Mr. Pooley appearing) for the applicant; John W. Fisher for the town. Without the taking of evidence the hearing was adjourned to a date to be thereafter fixed in Buffalo. Mr. Pooley is to furnish Mr. Fisher with a copy of the plan for the crossings which are proposed to be at grade. (Grade Crossing Case No. 639.)

Application of The Terminal Railway of Buffalo, under section 60 of the Railroad Law, for a determination of the manner in which six additional tracks of its railway shall cross the Clinton street highway and as to how four additional tracks of its railway shall cross the Mineral Spring road highway in the town of West Seneca, Erie county. Pooley & Spratt (Mr. Pooley appearing) for the applicant; John W. Fisher for the town. Without the taking of evidence the hearing was adjourned to a date to be thereafter fixed, in Buffalo. Mr. Pooley is to furnish Mr. Fisher with a copy of the plan for the crossings, which are proposed to be at grade. (Grade Crossing Case No. 640.)

Adjourned hearing in the application of the Frontier Electric Railway Company for a certificate under section 59 of the Railroad Law. Cohn & Chormann (Mr. Cohn appearing) for the applicant; Bissell, Carey & Cooke (Mr. Bass appearing) for the Buffalo, Thousand Islands and Portland Railroad Company, and withdrew its opposition; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company and withdrew its opposition. After hearing evidence and arguments the hearing was closed. Evidence of the *bona fides* of the applicant and the ability of the projectors to build the road was heard in open session. (Case No. 3701.)

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Thursday, November 15, 1906, 2 p. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Orders.

Application of the Frontier Electric Railway Company for a certificate under section 59 of the Railroad Law. Granted. (Case No. 3701.)
The Board adjourned.

BUFFALO, NOVEMBER 15, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

Adjourned hearing in the application of the Buffalo and Lackawanna Traction Company (street surface) for a certificate, under section 59 of the Railroad Law. John Cunneen and Parker, Hatch & Sheehan (Mr. Hatch and Mr. Sheehan appearing) for the applicant; Bissell, Carey & Cooke (Mr. Cooke appearing) for the Lehigh Valley Railway Company, the Lehigh and Lake Erie Railroad Company, and the Buffalo and Susquehanna Railway Company; Rogers, Locke & Babcock (Mr. Mills appearing) for the Delaware, Lackawanna and Western Railroad Company; Moot, Sprague, Brownell & Marcy (Mr. Marcy appearing) for the Erie Railroad Company and for the Buffalo Creek Railroad. After hearing arguments the hearing was closed. The applicant is to file with the Board a statement as to proposed crossings of steam railroads, the matter of the changing of the steam railroad crossings by the streets from grade at points where the applicant's railroad proposes to cross the steam railroads being now under consideration between the steam railroads, the local authorities and the applicant. (Case No. 3639.)

Application of the Buffalo and Lake Erie Traction Company for consent to the issuance of a first and refunding mortgage for twelve million dollars (\$12,000,000). Parker, Hatch & Sheehan (Mr. Sheehan appearing) for the applicant. After hearing evidence and arguments the hearing was closed. (Case No. 3786.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law was resumed. Appearances as yesterday. After hearing evidence and arguments the hearing was adjourned until Monday, November 26, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

The Board adjourned.

NEW YORK, NOVEMBER 20, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the New York and Port Chester Railroad Company for consent of this Board to the issuance of a first mortgage for twenty million dollars (\$20,000,000); and in the application of said company for the approval of this Board of an increase of its capital stock

from two hundred and fifty thousand dollars (\$250,000) to twenty million dollars (\$20,000,000). Frank Sullivan Smith, W. C. Trull and W. C. Gotshall for the applicant; no one else appeared. After hearing evidence and arguments the hearing was adjourned until Tuesday, December 11, 1906, 9:30 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. The Board in executive session heard statements as to this application. (Cases Nos. 3732 and 3733.)

Erie Railroad Company against the New York Central and Hudson River Railroad Company as to an interlocking plant at Batavia where said railroads cross at grade. H. A. Taylor, assistant general solicitor, and J. C. Stuart, general manager, for the Erie Railroad Company; A. H. Smith, vice-president and general manager, and A. T. Hart, C. E., for the New York Central and Hudson River Railroad Company. After hearing arguments Mr. Smith stated that the companies had agreed as to this interlocking plant and that he would send blue prints of the plans and copy of the agreement between the companies to the Board. (Case No. 3715.)

Complaints.

West Side Taxpayers' Association of New York city against the New York Central and Hudson River Railroad Company as to operation of freight trains on Eleventh avenue. Letters dated November 13 and 14, 1906, received from complainants. Letter dated November 14, 1906, received from the company. The company is to inform the Board as to putting additional flagmen at crossings on Eleventh avenue. (Case No. 3322.)

Reports.

Report dated November 13, 1906, of the electrical expert as to the operation of the railroads of the Richmond Light and Railroad Company and the Staten Island Midland Railroad Company. Ordered copies sent companies, with letter of recommendation as shown by office original letter on file. (Case No. 3818.)

Orders.

The Board adopted and ordered issued a report in the matter of general traffic conditions in Greater New York. (Case No. 3830.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Clarence R. Comes against the Interborough Rapid Transit Company (lessee Manhattan Railway) as to the construction of an additional stairway at the southwest corner of Chambers street, New York city, to the Manhattan Railway station at that point. W. Cornell Benjamin for complainant; George F. Flanagan for the Interborough Rapid Transit Company. After hearing arguments the hearing was closed. The answer of the company was received on this date. Copy sent complainant. (Case No. 3785.)

T. J. Johnson against the Brooklyn Heights Railroad Company as to service rendered the public. The complainant appeared and made a statement. The electrical expert of the Board was instructed to confer with the complainant and company and report to the Board. (Case No. 3657.)

Applications.

Application of the Hamburg Railway Company for consent of the Board to the issuance of a first mortgage for seven hundred and fifty thousand

dollars (\$750,000). Ordered hearin set for Tuesday, December 4, 1906, 11:30 a. m., at the office of the Board in Albany. (Case No. 3819.)

The Board adjourned.

NEW YORK, NOVEMBER 21, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Application of the Putnam and Westchester Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Parker, Hatch & Sheehan (Ashley T. Cole appearing) for the applicant; no one else appeared. After hearing evidence and arguments the hearing was closed. The Board in executive session heard evidence on the *bona fides* of the application and the ability of the projectors to build the road. (Case No. 3777.)

Ocean Side Board of Trade against the Long Island Railroad Company as to cessation of operation of its Long Beach branch. Charles H. Taylor, Henry F. Johnson, Paul J. Bumgart and Charles Custy for complainants; J. F. Keany, attorney, and C. L. Addison, assistant to the president, for the Long Island Railroad Company. After hearing arguments the hearing was closed. Mr. Taylor is to send to the Board a statement of the number of people who in his opinion would use this Long Beach branch if it was operated during the winter months. (Case No. 3770.)

Adjourned hearings in the petitions of the Long Island Railroad Company under section 62 of the Railroad Law, as to the South Country road, the Old Pond road and the South Country road grade crossings of its railroad in the town of Islip, Suffolk county, the first named South Country road crossing being situated 2,284 feet distant easterly and the second named South Country road crossing being situated 7,530 feet distant easterly from the Great River station on said company's railroad, in which matter a hearing was held at Oakdale, L. I., on August 8 last. J. F. Keany for the petitioner; Ralph C. Greene specially for the town board of the town of Islip. After hearing arguments the hearing was closed but the matters were held open. It may be that the matter of these three petitions will be closed as the town board to-day filed a petition, under section 62 of the Railroad Law, as to the two said South Country road grade crossings. (Grade Crossing Cases Nos. 597, 598 and 604.)

E. C. Bridgman against the Staten Island Rapid Transit Railway Company as to ringing of bells, blowing of whistles and blowing off of steam and smoke of locomotives. E. C. Bridgman, George Cromwell (president Borough of Richmond), Dr. Preston H. Bailhache, George J. Greenfield, L. L. Tribus, Miss Everett, Dr. Alfred H. Thomas, Samuel M. Dix, John McCrea and Charles R. Parmelee appeared for complainant; W. J. Kenney, attorney, for the Staten Island Rapid Transit Railway Company. After hearing arguments the matter was referred to Commissioner Rockwell to make a personal investigation and report. (Case No. 3653.)

Crossings.

Petition of the town board of the town of Islip, Suffolk county, under section 62 of the Railroad Law, as to the closing and discontinuance of the South Country road grade crossing of the Long Island Railroad situated at a point 7,530 feet distant easterly from the Great River station on said company's railroad; and as to the closing and discontinuance of the South Country road grade crossing of the Long Island Railroad situated at a point 2,284 feet distant easterly from the Great River station on said company's railroad. Ordered carried on file. (Grade Crossing Case No. 648.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Suffolk Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Collin, Wells & Hughes (Messrs. Collin and Hughes appearing) for the applicant; Hornblower, Byrne, Miller & Potter (Mr. Mann appearing) for the South Shore Traction Company, in opposition; James C. Bergen for property owners along the South Country road, in opposition; Clarence Lexow for the Cross Island Traction Company, in opposition (which has not yet applied for a certificate under section 59 of the Railroad Law). After hearing evidence and arguments the hearing was adjourned until Tuesday, December 11, 1906, 11 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3672.)

In the matter of the application of the Rochester-Corning-Elmira Traction Company for a certificate under section 59 of the Railroad Law, the Board in executive session heard evidence as to the *bona fides* of the applicant and the ability of the projectors to build the road. One witness was sworn. (See minutes of October 30, 1906). Ralph Wolff, William A. Sutherland and Stephen A. McIntire appeared for the applicant. The evidence on these questions was closed. (Case No. 3690.)

The Board adjourned.

ALBANY, NOVEMBER 22, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell. Commissioner Baker was absent in New York in relation to the Fourth avenue tunnel.

The minutes of the meetings of November 8, 9, 10, 13, 14 and 15, 1906, were read and approved.

Hearings.

Application of the village of Wellsburg to re-open the evidence in the matter of the petition of the Erie Railroad Company, under section 62 of the Railroad Law, as to changing the River Bridge highway grade crossing of its railroad in the village of Wellsburg to an overcrossing. Boyd McDowell for the village of Wellsburg; Ross M. Lovell for the Erie Railroad Company, in opposition to the application to re-open the evidence. After hearing arguments and filing affidavits, the hearing on said application was closed. The Board reserved decision on the application to re-open evidence. (Grade Crossing Case No. 618.)

Adjourned hearing in the matter of the application of the Schenectady and Margaretville Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Edward J. Welch for the applicant; Miles P. Frisbie for the Business Men's Association of Schenectady; L. E. Carr for The Delaware and Hudson Company and for the New York, Ontario and Western Railway Company; Amos Van Etten for the Ulster and Delaware Railroad Company; W. P. Rudd for the New York Central and Hudson River Railroad Company and for the Schenectady Railway Company; Frank Burton for the Fonda, Johnstown and Gloversville Railroad Company; F. A. Sullivan for the board of supervisors of Schoharie county. After hearing evidence and arguments the evidence was closed. Counsel are to exchange briefs in ten days from this date and to file briefs with the Board in fifteen days from this date. (Case No. 3744.)

Adjourned hearing in the matter of the application of the Hancock and East Branch Railroad Company (steam) for a certificate under section 59 of the Railroad Law. Edward J. Welch for the applicant; L. E. Carr for

The Delaware and Hudson Company and the New York, Ontario and Western Railway Company; Amos Van Etten for the Ulster and Delaware Railroad Company. After hearing evidence and arguments (the evidence being by stipulation that given to-day in the Schenectady and Margaretville Railroad Company application under section 59) the evidence was closed. Counsel are to exchange briefs in ten days and to file briefs with the Board in fifteen days. (Case No. 3745.)

Walter B. James, M. D., of New York city, against The Delaware and Hudson Company, as lessee of the Chateaugay and Lake Placid Railway, as to passenger fare charged from Saranac to Lake Placid. L. E. Carr for the company. Without the hearing of arguments, it was agreed that Mr. Carr and the Attorney-General should submit briefs on the legal question involved. (Case No. 3731.)

Complaints.

Henry G. Wynn against the New York and Queens County Railway Company as to service rendered the public on its Cemetery line. Ordered hearing set for Tuesday, December 11, 1906, 3 p. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. This case was closed on the minutes of September 10, 1906, and is now re-opened. (Case No. 3531.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Dickey, Aldridge and Rockwell.

Complaints.

E. R. Harder against the New York Central and Hudson River Railroad Company as to passenger fare and as to charge for baggage. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3800.)

Frank J. Lang against the Brooklyn Heights Railroad Company as to the operation of trains on the Brooklyn Bridge and as to the operation of trains on the Lexington avenue elevated railroad line. The electrical expert has been instructed in a letter dated November 10, 1906, to make a further report as to whether the recommendations of the Board are being complied with. This case was closed on the minutes of October 3, 1906, and is not re-opened. (Case No. 3635.)

Henry L. Brant against the Brooklyn Heights Railroad Company as to service rendered the public. Ordered copy sent company, and that the electrical expert report in this matter. (Case No. 3806.)

Charles L. Egner against the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company as to refusal to transfer to an Eighth avenue car of the New York City Railway Company on a transfer from the elevated railroad (eight cents fare). Copy sent company. Answer of company received. Copy sent complainant. Closed. (Case No. 3801.)

The Auto Pump Company of Springville, Erie county, against the Buffalo, Rochester and Pittsburgh Railway Company as to freight rate on shipment of iron, etc., from Buffalo to Springville. Reply of complainants to answer of company received. Copy sent company with letter as shown by copy on file. This case was closed on the minutes of November 8, 1906, and is now re-opened. (Case No. 3769.)

S. C. Millett against the Interborough Rapid Transit Company (lessee Manhattan Railway) as to the overcrowding of northbound trains at the Forty-second street station on the Sixth avenue line of the Manhattan Railway. Copy sent company. First answer of company received. Copy sent complainant. (Case No. 3810.)

Walter C. Greene against the Schenectady Railway Company as to overcrowding of cars on its State street line. Copy sent company. (Case No. 3812.)

Acme Realty Association against the Fonda, Johnstown and Gloversville Railroad Company asking that its electric cars stop at a point called Harwell in Scotia. Copy sent company. (Case No. 3803.)

Residents of Honeoye Falls against the Lehigh Valley Railroad Company as to passenger train service to Rochester. Answer of company received. Copy sent complainants. Closed. (Case No. 3784.)

Fred Fear against the Brooklyn Heights Railroad Company in relation to operation of trains on its Fulton street elevated line. Answer of company received. Copy sent complainant. The electrical expert was to report in this matter, but it was ordered that he need not. Closed. (Case No. 3772.)

St. Lawrence Council No. 276, Order of United Commercial Travelers of America against the Rutland Railroad Company as to schedule of passenger trains. Answer of company received. Copy sent complainants. Ordered hearing in this matter set for Tuesday, December 4, 1906, 10 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3774.)

John M. Perry against the Brooklyn Heights Railroad Company as to passengers not being allowed to enter the rear car of a train at the New York end of the Brooklyn Bridge. Copy sent company. Answer of company received. Copy sent complainant. The electrical expert has been instructed to report in this matter. (Case No. 3808.)

J. J. Halpin against the Rutland Railroad Company as to fence of said company along his farm. Letter dated November 8, 1906, received from company stating that the fence has been constructed, and letter dated November 19, 1906, received from complainant to the same effect. Closed. (Case No. 3663.)

B. G. Wooden and others against the New York Central and Hudson River Railroad Company as to a highway crossing of the Pennsylvania branch of said company's railroad near the northeast boundary of Geneva. Letter dated November 16, 1906, received from company. Ordered filed. This case was closed on the minutes of October 3, 1906, and is not re-opened. (Case No. 3717.)

P. B. Carpenter of Stephentown against the Rutland Railroad Company as to fence of said company along his farm. Letter dated November 8, 1906, received from company to the effect that the fence has been constructed. Copy sent complainant. This case was closed on the minutes of November 8, 1906, and is not re-opened. (Case No. 3670.)

W. Wirt Mills against the Staten Island Midland Railroad Company and the Richmond Light and Railroad Company as to service rendered the public. Again closed because of recommendations of the Board to these companies in Case No. 3818. (See minutes of November 8, 1906.) (Case No. 3678.)

Frank Fellows against the Rutland Railroad Company as to fence of said company along his farm. Letter dated November 16, 1906, received from company to the effect that the fence has been constructed. Copy sent complainant. Closed. (Case No. 3585.)

Clafin, Thayer & Company against the New York City Railway Company in relation to a railroad track in Church street between Park Place and Thomas street. Copy sent company. Answer of company received. Copy sent complainant. The electrical expert has been instructed to report in this matter. (Case No. 3816.)

James J. Smith against the Ulster and Delaware Railroad Company as to freight charge on a shipnet of lamp chimneys. Copy sent company. (Case No. 3817.)

Robert L. Weaver, principal of Painted Post High School, against the Erie Railroad Company and the Delaware, Lackawanna and Western Railroad Company as to alleged excessive whistling of locomotive engines. Reply of complainant to answer of Erie Railroad Company. Ordered filed. Answer of Delaware, Lackawanna and Western Railroad Company received; copy sent complainant; reply of complainant received; copy of reply sent Delaware, Lackawanna and Western Railroad Company. (Case No. 3764.)

George C. Hartin & Son of Mayfield against the Fonda, Johnstown and Gloversville Railroad Company and the New York Central and Hudson River Railroad Company as to freight rate charged on case of notions from Albany to Mayfield. Answer of Fonda, Johnstown and Gloversville Railroad Company received. Copy sent complainants. Reply of complainants received. Copy of reply sent company. Letter dated November 19, 1906, received from company. Letter dated November 19, 1906, received from company. Answer of New York Central and Hudson River Railroad Company received. Copy sent complainants. Reply of complainants received. Ordered filed. Closed. (Case No. 3783.)

I. R. Dillistin against the Erie Railroad Company as to shipment of onions from Florida. Copy sent company. Answer of company received. Copy sent complainant. (Case No. 3799.)

Finch & Coleman against the Ocean Electric Railway Company as to cessation of operation of its railroad from Far Rockaway station to Far Rockaway Beach during the winter. Copy sent company. Answer of company received. Ordered hearing set for Wednesday, December 12, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. (Case No. 3802.)

S. A. Penney against the Oneonta and Mohawk Valley Railroad Company as to heating of cars. Letter dated November 16, 1906, received from the company. Closed. (Case No. 3765.)

Hearings.

Applications of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company for approval of an increase of its capital stock from three hundred and fifty thousand dollars (\$350,000) to one million dollars (\$1,000,000), and for consent to the issuance of a first mortgage for one million dollars (\$1,000,000). L. G. Hoskins, attorney, and W. C. Gray, general manager, for the applicant. After hearing arguments the hearing was closed. Mr. Hoskins is to file with the Board a certified copy of certificate of extension to Auburn, when such certificate of extension is filed. (Cases Nos. 3813 and 3814.)

Residents of South Gilboa against the Ulster and Delaware Railroad Company, asking that a new station and side tracks be established at that point. E. J. Ruliffson for complainants; Amos Van Etten for the company. After hearing evidence and arguments, the hearing was closed. The superintendent of the grade crossing bureau in this department is to meet representatives of the company and the complainants at South Gilboa in relation to this matter. This case was re-opened to-day. (Case No. 3604.)

Application of the Greenwich and Johnsonville Railway Company, under section 60 of the Railroad Law, as to a branch of its railroad crossing streets and highways in Washington county. The hearing on this date was set as to crossings Nos. 1, 6, 10 and 11, 14 and 15. Herbert Van Kirk, counsel, and I. C. Blandy, president of the company, for the applicant; T. S. Fagan appeared for Jesse V. Palmer and W. B. Palmer, property owners, in opposition. It appeared that the company had not filed its petition for modification of determination, and, without the taking of evidence or hearing of arguments, the hearing was adjourned until Tuesday, December 4, 1906, 2 p. m., at the office of the Board in the Capitol, Albany, the company in the meantime to file its petition for modification.

The application of the Waverly, Sayre and Athens Traction Company under section 103 of the Railroad Law, for approval of abandonment of a portion of its route on Chemung street, between William street and Broad street, in Waverly, which was to have been held to-day was postponed at the request of the applicant to a date to be thereafter fixed. (Case No. 3702.)

Complaints.

William B. Young, for a client (Miss Catherine Stephens) against the old Nyack and Northern Railroad (Nyack and Southern Railroad) operated by

the Erie Railroad Company. Letter dated November 16, 1906, received from complainant. Ordered that the superintendent of the grade crossing bureau make another report in this matter. (Case No. 3641.)

Christopher Clarke against the New York and Queens County Railway Company as to operation of its Flushing-Jamaica line. Letter dated November 10, 1906, received from complainant. Ordered filed. (Case No. 3222.)

George M. Franklin and others of East Henrietta against the Lehigh Valley Railroad Company as to passenger train service to Rochester. Second answer of company received. Copy sent complainants. Closed. (Case No. 3752.)

U. S. Grant Cure of Pine Hill against the Ulster and Delaware Railroad Company as to freight rates on hard coal. Answer of company received. Copy sent complainant. Ordered hearing set for Wednesday, December 5, 1906, 11 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3496.)

Louis H. Pink and others against the New York City Railway Company as to service rendered the public, and as to change of motive power, on its east side lines, in which matters this Board has made recommendations. Letter dated November 21, 1906, received from company as to compliance with recommendations as to change of motive power. Copy sent complainant. (Case No. 3524.)

In the matter of the recommendations of this Board dated November 13, 1906, as to increase in service rendered the public by the New York City Railway Company, a letter dated November 20, 1906, was received from the company as to compliance with the recommendations. Ordered letter written the company as shown by copy on file. (Case No. 3805.)

Applications.

Application of the Essex County Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Wednesday, December 5, 1906, 10:30 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3815.)

Application (second application) of the Malone, Fort Covington and Hopkins Point Railway Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Wednesday, December 5, 1906, 10 a. m., at the office of the Board in the Capitol, Albany. (Case No. 3807.)

Application of the West Shore Traction Company (street surface) for a certificate under section 59 of the Railroad Law. Ordered hearing set for Thursday, December 13, 1906, 11 a. m., at the village hall in the village of Nyack. (Case No. 3820.)

Application of the New York Central and Hudson River Railroad Company under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of the New York, Ontario and Western Railway and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Clark's Mills, near Utica, and the discontinuance of the full stop and crossing on signal of trains and locomotives at this crossing. Ordered approved, and consent granted to the discontinuance of the full stop and crossing on signal of trains and locomotives at this crossing, without a hearing. (Case No. 3798.)

Application of the Pennsylvania Railroad Company under section 33 of the Railroad Law, for approval of the shape and design of a highway crossing sign and the words of warning thereon and the location and elevation of such signs at highway grade crossings of the railroads operated by it in this State. Letter dated November 15, 1906, with plan of sign attached received from the company. Ordered filed. (Case No. 3706.)

Application of the Frontier Electric Railway Company for approval of an increase of its capital stock from three hundred thousand dollars (\$300,000) to one million five hundred thousand dollars (\$1,500,000), and for consent

to the issuance of a first mortgage for two million dollars (\$2,000,000), the applications being contained in one petition. Ordered hearing set for Tuesday, November 27, 1906, 3 p. m., at the Hotel Iroquois, Buffalo. (Case No. 3811.)

Crossings.

In the matter of the petition dated August 30, 1906, of the village of Waverly as to lowering the Pennsylvania avenue overhead bridge crossing of the Erie Railroad and the railroad operated by the Lehigh Valley Railroad Company in said village, which matter was closed on the minutes of September 11, 1906, as in the opinion of the Board it had no jurisdiction in the matter, the bridge not having been constructed under authority of this Board, a letter dated October 27, 1906, was received from the attorney for the village requesting the Board to ask the opinion of the Attorney-General if the Board has authority in this matter. Ordered said opinion asked of the Attorney-General. (Grade Crossing Case No. 627.)

W. W. Webb, corporation counsel of Rochester, appeared before the Board with another petition under section 62 of the Railroad Law as to changing the Culver street, Rochester, grade crossing of the New York Central and Hudson River Railroad to an undercrossing. The first petition in this matter, which is a certified copy of a resolution of the common council approved by the mayor, is not superseded by this new petition filed, and an adjourned hearing was ordered set on the first petition for Tuesday, November 27, 1906, 4 p. m., at the Hotel Iroquois, Buffalo. (Grade Crossing Case No. 611.)

Orders.

Application of the New York Central and Hudson River Railroad Company, under section 36 of the Railroad Law, for approval of an interlocking switch and signal apparatus proposed to be installed at a crossing at grade of the New York, Ontario and Western Railway and the West Shore Railroad (leased to and operated by the New York Central and Hudson River Railroad Company) at Clark's Mills, near Utica, and the discontinuance of the full stop and crossing on signal of trains and locomotives at said crossing. Ordered approved, and consent given to the full stop and crossing on signal of trains and locomotives. (Case No. 3798.)

Application of the Pennsylvania Railroad Company and Northern Central Railway Company under section 33 of the Railroad Law, for approval of the shape and design of a highway crossing sign and the words of warning thereon and the location and elevation of such signs at highway grade crossings of the railroads operated by it in this State. Determination, as shown by office original determination on file, approving sign shown on a plan attached to the office original determination. (Case No. 3706.)

Recommendations were ordered issued to the Interborough Rapid Transit Company in the matter of operation of trains on the Second and Third avenue lines of its lessor, the Manhattan Railway. (Case No. 3824.)

Application of The Paul Smith's Electric Light and Power and Railroad Company for approval of an increase of its capital stock from one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000). Ordered approved, on condition that but one hundred thousand dollars (\$100,000) of said increase of stock be issued under this approval, and that the remaining three hundred thousand dollars (\$300,000) of said increase of stock or any part thereof shall not be issued until after further application is made to this Board by said company for approval of the issuance of said remaining three hundred thousand dollars (\$300,000) of said increase of capital stock or any part thereof and such approval of this Board has been received. (Case No. 3754.)

Application of The Paul Smith's Electric Light and Power and Railroad Company for consent to the issuance of a first mortgage for five hundred thousand dollars (\$500,000). Ordered consent granted on condition that but

four hundred thousand dollars (\$400,000) bonds shall be issued under said mortgage under this consent and on condition that before the remaining one hundred thousand dollars (\$100,000) bonds or any part thereof shall be issued the company shall apply for and receive the consent of this Board to the issuance of said remaining one hundred thousand dollars (\$100,000) bonds or any portion thereof. (Case No. 3755.)

The Board adjourned.

NEW YORK, NOVEMBER 23, 1906.

Hearing before Commissioners Baker and and Rockwell (by delegation of the Board) in the complaint of the Property Owners' Association of the Twenty-third ward, borough of the Bronx, New York city, and Woodlawn Tax Payers' Association, New York city, against the Union Railway Company as to service rendered the public, and against the New York City Inter-Borough Railway Company as to its not completing the construction of its railroad on One Hundred and Forty-ninth street. Charles Baxter for the Property Owners' Association of the Twenty-third ward; Augustus G. Miller for the United East Bronx Improvement Association; Olin J. Stephens for the North Side Board of Trade; J. H. Haas for the Associated Real Estate Brokers of the Bronx; James B. Powers for the Woodlawn Tax Payers' Association; Phillip McKinley for the Bedford Park Tax Payers' Association; Thomas J. Lollahan for the citizens of Williamsbridge; William Stonebridge, Frederick Roberts, Reverend Maurice Thorner, William A. Coakley for the Throgsneck Tax Payers' Association; A. C. Hottenroth, Alfred A. Gardner for the New York City Inter-Borough Railway Company; E. A. Maher, President and H. A. Robinson, counsel, for the Union Railway Company. After hearing arguments the hearing was adjourned to a date to be thereafter fixed. It may be that some of the complainants will submit specific complaints against the Union Railway Company. (Case No. 3756.)

BUFFALO, NOVEMBER 26, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law. Bushnell & Metcalf (Mr. Bushnell appearing) for the applicant; Pooley & Spratt (Mr. Pooley appearing) for the New York Central and Hudson River Railroad Company, in opposition; Joseph G. Dudley and Parker, Hatch & Sheehan (Mr. Hatch appearing) for the Buffalo Frontier Terminal Railroad Company, in opposition; Simon Fleischmann for George P. Sawyer, the Hazard Powder Company, the Niagara River Investment Company and Messrs. Barse and Amm, property owners, in opposition. After hearing evidence and arguments a recess in this matter was taken until 2 p. m. (Case No. 3432.)

John Dort and C. J. Beardsley against the Pennsylvania Railroad Company as to its station at Oramel, Allegany county. In this matter the Board has made recommendations to the company, dated August 28, 1906. This hearing to-day was on non-compliance by said company with said recommendations. A. P. McIntosh for complainants; Frank Rumsey for the company. After hearing evidence and arguments on the merits of the case, the evidence was closed. Mr. Rumsey is to file with the Board a statement from the company as to its station at this point. (Case No. 3569.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Tuesday, November 27, 1906, 10 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

The Board adjourned.

BUFFALO, NOVEMBER 27, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law. Appearances as yesterday. After hearing evidence and arguments a recess in this matter was taken until 2 p. m.

Frank W. Higgins against the Pennsylvania Railroad Company as to there being but one trainman on passenger trains to and from Buffalo. Frank Rumsey for the company. After hearing arguments the hearing was closed. Mr. Rumsey is to file with the Board a statement of the number of men in each of the passenger train crews to and from Buffalo. (Case No. 3822.)

The Board took a recess until 2 p. m.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law was resumed. Appearances as in the morning. After hearing evidence and arguments further the hearing was adjourned until Wednesday, November 28, 1906, 9:30 a. m., at the Hotel Iroquois, Buffalo. (Case No. 3432.)

Application of the Frontier Electric Railway Company for approval of an increase of its capital stock from three hundred thousand dollars (\$300,000) to one million five hundred thousand dollars (\$1,500,000), and for consent to the issuance of a mortgage for two million dollars (\$2,000,000), both applications being in one petition. Cohn & Chormann (Mr. Chormann appearing) for the applicant. After hearing evidence and arguments the hearing was closed. The applicant is to file with the Board a copy of the proposed mortgage. (Case No. 3811.)

Adjourned hearing in the petition of the mayor and common council of the city of Rochester, under section 62 of the Railroad Law, as to changing the Culver road grade crossing of the New York Central and Hudson River Railroad in said city to an undercrossing. John M. Stull, assistant corporation counsel, for the petitioners; Harris & Harris (Mr. Beach appearing) for the New York Central and Hudson River Railroad Company. After hearing evidence and arguments the hearing was adjourned until Tuesday, December 4, 1906, 4 p. m., at the office of the Board in Albany. (Grade Crossing Case No. 611.)

Adjourned hearing in the application of the Terminal Railway of Buffalo, under section 60 of the Railroad Law, for a determination of the manner in which six additional tracks of its railway shall cross the French road highway, the Union road highway, the Lawson road highway and the Rowley road highway in the town of Cheektowaga, Erie county; and adjourned hearing in the application of the Terminal Railway of Buffalo, under section 60 of the Railroad Law, for a determination of the manner in which six additional tracks of its railway shall cross the Clinton street highway and in which four additional tracks of its railway shall cross the Mineral Spring road highway in the town of West Seneca, Erie county. Pooley & Spratt (Mr. Pooley appearing) for the applicant; John W. Fisher for the towns of Cheektowaga and West Seneca; Roland Crangle for property owners in the town of West Seneca. After hearing evidence and arguments in the Cheektowaga case the Board dismissed the petitions in both cases as the petitions state that the applicant desires that the additional tracks shall cross said highways at grade, the Board believing that such additional grade crossings should not be made. (Grade Crossing Cases Nos. 639 and 640.)

Orders.

Application of the Terminal Railway of Buffalo, under section 60 of the Railroad Law, for a determination of the manner in which six additional tracks of its railway shall cross the French road highway, the Union road highway, the Lawson road highway and the Rowley road highway in the town of Cheektowaga, Erie county; and application of the Terminal Railway of Buffalo, under section 60 of the Railroad Law, for a determination of the manner in which six additional tracks of its railway shall cross the Clinton street highway and in which four additional tracks of its railway shall cross the Mineral Spring road highway in the town of West Seneca, Erie county. Denied, as the petitions state that the applicant desires that the additional tracks shall cross said highways at grade and the Board believing that such additional grade crossings should not be made. (Grade Crossing Cases Nos. 639 and 640.)

The Board adjourned.

BUFFALO, NOVEMBER 28, 1906.

The Board met pursuant to adjournment. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

Adjourned hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law. Appearances as yesterday. After hearing evidence and arguments a recess was taken until 2 p. m. (Case No. 3432.)

A committee, consisting of John J. Kennedy, Henry Jerge, Neil McEachren, John McManus and John C. Betz, of the common council of the city of Buffalo, appeared before the Board in regard to a hearing in the future as to improvement of condition of passenger stations in Buffalo. The committee stated that it would in the future communicate with the Board in writing on this subject.

AFTER RECESS — 2 P. M.

The Board again met. Present, Commissioners Dunn, Baker, Dickey, Aldridge and Rockwell.

Hearings.

The hearing in the application of the Buffalo, Lake Erie and Niagara Railroad Company for a certificate under section 59 of the Railroad Law was

resumed. Appearances as in the morning. After hearing evidence and arguments the evidence was closed. The matter is to be summed up before the Board at the New York office of the Board, room 5096, 1 Madison avenue, New York city, on Monday, December 10, 1906, at 10 a. m. Briefs may be filed on that date. (Case No. 3432.)

In the matter of the application (re-application) of the Buffalo Frontier Terminal Railroad Company (steam) for a certificate under section 59 of the Railroad Law, it was determined that this matter should be summed up on Monday, December 10, 1906, 10 a. m., at the New York office of the Board, room 5096, Metropolitan building, 1 Madison avenue, New York city. The last hearing in this matter was on May 16, 1906. It was also agreed on this date that certain evidence from the Buffalo, Lake Erie and Niagara Railroad Company's application, under section 59 (Case No. 3432), should be read into the Buffalo Frontier Terminal Railroad Company's case, under section 59 of the Railroad Law, the exact evidence to be determined thereafter. (Case No. 3082.)

The Board adjourned.

UTICA, DECEMBER 3, 1906.

Hearings.

Hearing before Commissioners Baker and Rockwell (by delegation of the Board) in the matter of the application of the New York Central and Hudson River Railroad Company, under section 34 of the Railroad Law, for consent to the discontinuance of the passenger station on the West Shore Railroad, its lessor, at Hammond avenue in East Utica, it being proposed to construct a new passenger station on the West Shore Railroad at Genesee street, Utica. Lewis, Watkins & Titus (Mr. Watkins appearing) for the applicant; Henry F. Coupe for manufacturers and business men, in opposition to the discontinuance of the station at Hammond avenue. After hearing evidence and arguments, the evidence was closed. (Case No. 3766.)

CASES PENDING BEFORE THE BOARD OF RAILROAD COMMISSIONERS, JANUARY 31, 1907.

COMPLAINTS.

Christopher Clark v. New York and Queens County Railway Company. (Case No. 3222.)

U. S. Grant Cure v. Ulster and Delaware Railroad Company. (Case No. 3496.)

Property Owners Association of the Twenty-Third ward, Borough of the Bronx, v. Interborough Rapid Transit Company. (Case No. 3535.)

Report of Inspector relative to One Hundred and Twenty-fifth Street Elevated Railroad stations for the Sixth and Ninth avenue lines. (Case No. 3541.)

William E. Rogers v. New York City Railway Company. (Case No. 3552.)

Mrs. A. L. Greene v. United Traction Company and Schenectady Railway Company. (Case No. 3566.)

Charles J. Austin v. New York City Railway Company. (Case No. 3567.)

John Dort and C. J. Beardsley v. Pennsylvania Railroad Company. (Case No. 3569.)

Irving H. Loughran et al. v. Orange County Traction Company. (Case No. 3571.)

Property Owners Association of the Twenty-third ward, Borough of the Bronx, v. Union Railway Company and the New York Central Interborough Railway Company. (Case No. 3608.)

Henry W. Helfer v. Union Railway Company. (Case No. 3630.)

James Ackroyd and Sons v. Delaware and Hudson Company and New York Central and Hudson River Railroad Company. (Case No. 3644.)

Business Men's Association of the city of Corning v. Erie Railroad Company. (Case No. 3645.)

J. T. Perkins Company v. Brooklyn Heights Railroad Company. (Case No. 3646.)

S. L. Merrill v. New York Central and Hudson River Railroad Company. (Case No. 3647.)

E. C. Bridgman v. Staten Island Transit Company. (Case No. 3653.)

T. J. Johnston v. Brooklyn Heights Railroad Company. (Case No. 3657.)

S. A. Saunders v. New York City Railway Company. (Case No. 3659.)

C. J. Hudson v. St. Lawrence International Electric Railroad and Land Company. (Case No. 3669.)

William T. Gregg v. The Yonkers Railroad Company. (Case No. 3681.)

Samuel G. Tracy, M. D., v. the New York City Railway Company. (Case No. 3682.)

Board of Trustees of the Village of White Plains. (Case No. 3699.)

William F. King v. New York Central and Hudson River Railroad Company. (Case No. 3707.)

Ridgewood Heights Improvement Association v. Brooklyn Heights Railroad Company. (Case No. 3713.)

Erie Railroad Company v. New York Central and Hudson River Railroad Company. (Case No. 3715.)

C. Pianisani v. Interborough Railway Company and the Union Railway Company. (Case No. 3716.)

I. Stone v. New York Central and Hudson River Railroad Company. (Case No. 3718.)

Residents of the town of Scarsdale v. Tarrytown, White Plains and Mamaroneck Railway Company. (Case No. 3724.)

John R. Dorland v. Rutland Railroad Company. (Case No. 3725.)

A. Andriessse v. Richmond Light and Railroad Company. (Case No. 3726.)

Walter B. James, M. D., v. The Delaware and Hudson Company (Lessee Chateaugay and Lake Placid R. R.). (Case No. 3742.)

Bedford Park Taxpayers Association v. Union Railway Company. (Case No. 3734.)

S. L. Blumenson v. Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company). (Case No. 3742.)

A. P. Ordway v. Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company). (Case No. 3749.)

H. P. Quick v. Brooklyn Heights Railroad Company. (Case No. 3753.)

Property Owners' Association Twenty-third ward, Borough of the Bronx, v. Interborough Rapid Transit Company and Union Railway Company. (Case No. 3756.)

St. Lawrence Council, Number Two Hundred and Seventy-six, Order of United Commercial Travelers of America. (Case No. 3774.)

Clarence R. Comes v. Manhattan Railway (leased to and operated by the Interborough Rapid Transit Company). (Case No. 3785.)

J. R. Dilliston v. Erie Railroad Company. (Case No. 3799.)

Henry L. Brant v. Brooklyn Heights Railroad Company. (Case No. 3806.)

Walter C. Greene v. Schenectady Railway Company. (Case No. 3812.)

Frank W. Higgins v. Pennsylvania Railroad Company. (Case No. 3822.)

R. A. Shaw v. Brooklyn Heights Railroad Company. (Case No. 3828.)

A. P. Haven v. Brooklyn Heights Railroad Company. (Case No. 3836.)

Frederick W. Sherman v. Boston and Maine Railroad Company and The Delaware and Hudson Company. (Case No. 3837.)

William H. Sage v. New York Central and Hudson River Railroad Company. (Case No. 3846.)

C. M. Porter v. New York City Railway Company. (Case No. 3847.)

W. H. Holmes v. Interborough Rapid Transit Company (lessee of the Manhattan Railway). (Case No. 3848.)

W. N. Capen v. New York, New Haven and Hartford Railroad Company and New York Central and Hudson River Railroad Company. (Case No. 3851.)

Lewis L. Young v. Brooklyn Heights Railroad Company. (Case No. 3852.)

Henry W. Halfer v. New York Central and Hudson River Railroad Company as lessee of the New York and Harlem Railroad. (Case No. 3853.)

Hamilton Fish v. New York City Railway Company. (Case No. 3854.)

William G. Kirkland v. New York and Queens County Railway Company. (Case No. 3857.)

F. W. Seward v. Interborough Rapid Transit Company — Manhattan Railway lessee. (Case No. 3860.)

Schaghticoke Chamber of Commerce v. Boston and Maine Railroad Company. (Case No. 3868.)

Dr. Floyd S. Crego v. Pennsylvania Railroad Company. (Case No. 3869.)

William H. Hornridge and Board of Aldermen New York v. Interborough Rapid Transit Company — Manhattan Railway lessee. (Case No. 3870.)

William Stonebridge v. Union Railway Company. (Case No. 3875.)

John S. Parsons et al. v. New York, Ontario and Western Railway Company. (Case No. 3876.)

Charles B. Swartwood, for clients, v. Lehigh Valley Railroad Company. (Case No. 3878.)

Newfane Basket Manufacturing Company v. New York Central and Hudson River Railroad Company. (Case No. 3885.)

Frank W. Hunt v. Northern Central Railway et al. (Case No. 3886.)

William T. Austin, coroner's clerk, New York City, v. Union Railway Company. (Case No. 3888.)

T. L. Jaques v. New York, New Haven and Hartford Railroad Company. (Case No. 3894.)

William R. Southwick v. Brooklyn Heights Railroad Company. (Case No. 3895.)

Miller P. Allen, village clerk of Webster, v. Rochester and Sodus Bay Railway (leased to and operated by the Rochester Railway Company). (Case No. 3897.)

Theron McCampbell, President the Home Pattern Company, v. Forty-second Street, Manhattanville and St. Nicholas Avenue Railway Company. (Case No. 3898.)

Frank R. Crandall v. New York Central and Hudson River Railroad Company. (Case No. 3899.)

John D. Thees v. New York, New Haven and Hartford Railroad Company. (Case No. 3900.)

Taxpayers Nonpartisan Association, Third ward, Borough of Queens, v. New York and Queens County Railway Company. (Case No. 3901.)

E. P. Friabee v. Ulster and Delaware Railroad Company. (Case No. 3902.)

D. S. Sanborn v. New York City Railway Company. (Case No. 3904.)

Simon Weilbronner v. Union Railway Company. (Case No. 3906.)

Joint Rapid Transit Committee of the Bronx Civic Association v. Union Railway Company. (Case No. 3907.)

H. Immerschied v. Brooklyn Heights Railroad Company. (Case No. 3908.)

Progress Club of Delmar v. The Delaware and Hudson Company. (Case No. 3910.)

Thomas H. McCann v. New York Central and Hudson River Railroad Company. (Case No. 3911.)

F. Peiffer v. New York City Railway Company. (Case No. 3915.)

Lewis P. Ross et al. v. New York Central and Hudson River Railroad Company. (Case No. 3916.)

David G. McConnell v. New York City Railway Company. (Case No. 3923.)

CROSSINGS OF STEAM RAILROADS.

Auburn and Syracuse Electric Railroad Company. (Case No. 3405.)

Auburn and Northern Electric Railroad Company. (Case No. 3406.)

Rochester, Syracuse and Eastern Railroad Company. (Case No. 3633.)

Rochester, Syracuse and Eastern Railroad Company. (Case No. 3634.)

United Traction Company. (Case No. 3757.)

New York Central and Hudson River Railroad Company (city of Utica). (Grade Crossing Case No. 367.)

New York Central and Hudson River Railroad Company (city of Albany). (Grade Crossing Case No. 381.)

Brooklyn Union Elevated Railroad Company (borough of Brooklyn, city of New York). (Grade Crossing Case No. 408.)

New York Central and Hudson River Railroad, Company (village of Carthage). (Grade Crossing Case No. 413.)

New York Central and Hudson River Railroad Company (town of Newburgh). (Grade Crossing Case No. 463.)

City of Rensselaer. (Grade Crossing Case No. 434.)

Town of Guilford. (Grade Crossing Case No. 454.)

New York, Ontario and Western Railway Company (town of Liberty). (Grade Crossing Case No. 457.)

New York, Ontario and Western Railway Company (town of New Windsor). (Grade Crossing Case No. 460.)

New York, Ontario and Western Railway Company (town of Hamptonburgh). (Grade Crossing Case No. 463.)

Town of Warwick. (Grade Crossing Case No. 474.)

West Shore Railroad (New York Central and Hudson River Railroad Company, lessee). (City of Kingston.) (Grade Crossing Case No. 475.)

- Town of Blooming Grove. (Grade Crossing Case No. 476.)
 New York Central and Hudson River Railroad Company (town of Brutus). (Grade Crossing Case No. 490.)
 City of New York. (Grade Crossing Case No. 510.)
 New York Central and Hudson River Railroad Company (town of Reading). (Grade Crossing Case No. 520.)
 City of New York. (Grade Crossing Case No. 521.)
 City of Utica and New York Central and Hudson River Railroad Company. (Grade Crossing Case No. 530.)
 Village of La Salle. (Grade Crossing Case No. 532.)
 New York Central and Hudson River Railroad Company (town of Eastchester). (Grade Crossing Case No. 534.)
 New York Central and Hudson River Railroad Company (village of Tarrytown). (Grade Crossing Case No. 535.)
 New York Central and Hudson River Railroad Company (village of Irvington). (Grade Crossing Case No. 536.)
 Syracuse, Binghamton and New York Railroad Company (town of Cortlandville). (Grade Crossing Case No. 539.)
 New York Central and Hudson River Railroad Company and city of Mount Vernon. (Grade Crossing Case No. 545.)
 New York Central and Hudson River Railroad Company (village of Hastings-on-Hudson). (Grade Crossing Case No. 548.)
 New York Central and Hudson River Railroad Company (village of Bronxville). (Grade Crossing Case No. 549.)
 New York Central and Hudson River Railroad Company (village of Ossining). (Grade Crossing Case No. 550.)
 New York Central and Hudson River Railroad Company (village of White Plains). (Grade Crossing Case No. 551.)
 New York Central and Hudson River Railroad Company (towns of Scarsdale and Greenburgh). (Grade Crossing Case No. 552.)
 New York Central and Hudson River Railroad Company (village of Tuckahoe). (Grade Crossing Case No. 553.)
 Village of Attica. (Grade Crossing Case No. 573.)
 City of Troy (Boston and Maine Railroad). (Grade Crossing Case No. 590.)
 Town of Cornwall (New York, Ontario and Western Railway). (Grade Crossing Case No. 592.)
 Town of Greenfield (Adirondack Railway — operated by The Delaware and Hudson Company). (Grade Crossing Case No. 595.)
 Erie Railroad Company (village of Wellsburg). (Grade Crossing Case No. 618.)
 Town of Stafford (New York Central and Hudson River Railroad Company). (Grade Crossing Case No. 624.)
 New York Central and Hudson River Railroad Company (towns of Phelps and Junius). (Grade Crossing Case No. 637.)
 The New York and Port Chester Railroad Company. (Grade Crossing Case No. 643.)
 New York Central and Hudson River Railroad Company (town of Cazenovia). (Grade Crossing Case No. 644.)
 New York Central and Hudson River Railroad Company (town of Royalton). (Grade Crossing Case No. 645.)
 The Long Island Railroad Company (town of Babylon). (Grade Crossing Case No. 646.)
 Town of Islip (Long Island Railroad). (Grade Crossing Case No. 648.)
 The Terminal Railway of Buffalo (town of Cheektowaga). (Grade Crossing Case No. 649.)
 The Terminal Railway of Buffalo (town of West Seneca). (Grade Crossing Case No. 650.)
 Village of Endicott (Erie Railroad). (Grade Crossing Case No. 651.)
 Town of Canadea (Western New York and Pennsylvania Railway). (Grade Crossing Case No. 654.)

Delaware, Lackawanna and Western Railroad Company (town of Vestal). (Grade Crossing Case No. 655.)

Town of Rambo (Erie Railroad). (Grade Crossing Case No. 656.)

New York Central and Hudson River Railroad Company—lessee, West Shore Railroad—(village of Marlborough). (Grade Crossing Case No. 658.)

APPLICATION FOR CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Cayuga Lake and Ithaca Railroad Company. (Case No. 3341.)

The Buffalo and Rochester Traction Company. (Case No. 3448.)

Delaware and Southern Railroad Company. (Case No. 3667.)

Rochester and Elmira Electric Railway Company. (Case No. 3563.)

Suffolk Traction Company. (Case No. 3672.)

Buffalo Subway Railroad Company. (Case No. 3680.)

Cortland and Auburn Railroad Company. (Case No. 3776.)

West Shore Traction Company. (Case No. 3820.)

Cross Island Traction Company. (Case No. 3835.)

Cooperstown and Northern Railway Company. (Case No. 3841.)

Auburn and Ithaca Traction Company. (Case No. 3859.)

Rome and Oneida Electric Railway. (Case No. 3867.)

APPLICATION FOR CONSENT TO ISSUE OF MORTGAGE.

Buffalo, Lake Erie and Niagara Railroad Company. (Case No. 3890.)

APPLICATION TO ABANDON PORTION OF ROUTE.

Waverly, Sayre and Athens Traction Company. (Case No. 3702.)

INVESTIGATION BY RAILROAD COMMISSIONERS.

Relative to operation of trains to and from the Grand Central station, New York city by the New York Central and Hudson River Railroad Company. (Case No. 3738.)

Relative to operating conditions of the New York and Queens County Railway and Long Island Electric Railroad. (Case No. 3767.)

Relative to increase service on all the lines operated by electricity by the New York City Railway Company during certain hours. (Case No. 3805.)

Relative to operation of trains on the Second and Third avenue lines of the Manhattan Railway. (Case No. 3824.)

Tarrytown, White Plains and Mamaroneck Railroad Company. (Case No. 3845.)

CIRCULARS.

Relative to electrical power transmission lines of railroad companies. (Case No. 3688.)

Relative to block signal system on steam railroads. (Case No. 3791.)

Relative to the use of stepping boxes for entrance to and egress from passenger cars on steam railroads in this State. (Case No. 3792.)

Relative to placing of highway crossing signs at highway grade crossings of railroads outside of cities and villages. (Case No. 3793.)

INSPECTIONS.

Rochester and Sodus Bay Railway (Glen Haven branch). (Case No. 3674.)

Bennington and Hoosick Valley Railway. (Case No. 3685.)

REPORTS OF INSPECTORS.

Relative to heating of horse cars on New York City Railway. (Case No. 3781.)

Relative to conditions of drawbridges on railroads in this State. (Case No. 3789.)

Relative to brakes for street surface cars. (Case No. 3790.)

Relative to traffic conditions of the Richmond Light and Railroad Company, and Staten Island Midland Railroad Company. (Case No. 3818.)

Relative to the junction passenger station of the Rutland Railroad and The Delaware and Hudson Company at Rouses Point. (Case No. 3838.)

RELATIVE TO PROPOSED USE OF THIRD RAIL ELECTRIC.

New York Central and Hudson River Railroad Company. (Case No. 3379.)

RELATIVE TO SOME OTHER SAFEGUARD OR DEVICE IN PLACE OF WARNING SIGNALS NOW IN USE BETWEEN MOTT HAVEN AND CROTON.

New York Central and Hudson River Railroad Company. (Case No. 3390.)

NEW COMPANIES.

Formed under the Laws of the State of New York by filing Articles of Association.

SURFACE STEAM ROADS.

NAME OF COMPANY.	County in which operated	Date when articles filed.	Length of road, miles.	Capital stock.
Delaware & Southern Railroad Company.....	Broome and Delaware...	Nov. 13, 1905	17	\$170,000
Carthage & Copenhagen Railroad Company.....	Jefferson and Lewis.....	April 10, 1906	8.75	100,000
Adirondack & St. Lawrence Railroad Company.....	St. Lawrence.....	April 19, 1906	3.61	100,000
The Danbury & Port Chester Railroad Company.....	Westchester.....	May 29, 1906	7.38	100,000
Schenectady & South Western Railroad Company.....	Delaware, Greene, Schoharie and Schenectady.	May 31, 1906	85	850,000
Delaware & Southern Railroad Company (Amended certificate).....	Broome and Delaware...	June 11, 1906	17	170,000
Hancock and East Branch Railroad Company.....	Delaware.....	July 12, 1906	20	200,000
Schenectady and Margaretville Railroad Company...	Delaware, Greene, Schoharie and Schenectady.	July 28, 1906	90	1,000,000
Buffalo Creek Extension Railroad Company.....	Erie.....	Aug. 4, 1906	8	4,000,000
Cooperstown and Northern Railway Company.....	Otsego.....	Aug. 20, 1906	12	240,000
Cortland and Auburn Railroad Company.....	Cortland, Onondaga and Cayuga.....	Sept. 19, 1906	40	400,000
The Otselec Valley Railroad Company.....	Chenango and Madison..	Oct. 1, 1906	12	120,000

SURFACE STREET.

Catskill Mountain and Mohawk Valley Ry. Company.	Greene, Delaware, Schoharie and Otsego.....	Nov. 9, 1905	78	2,000,000
Geneva, Phelps and Newark Railroad Company.....	Ontario and Wayne.....	Nov. 25, 1905	15	400,000
Bronx, Yonkers and White Plains Railway Company..	Westchester.....	Dec. 9, 1905	11	110,000
The Fishers Island Railroad Company.....	Suffolk.....	Jan. 26, 1906	4	12,000
Hudson River and Eastern Traction Company.....	Westchester.....	Feb. 3, 1906	9	400,000
Dobbs Ferry Traction Company.....	Westchester.....	Feb. 9, 1906	3	30,000
The Rochester, Scottsville & Caledonia Electric Railroad Company.....	Monroe and Livingston..	Feb. 13, 1906	20	500,000
Hudson River and Eastern Traction Company.....	Westchester.....	Feb. 14, 1906	9	400,000
Rochester and Elmira Electric Railway Company.....	Monroe, Livingston, Steuben and Chemung.....	Feb. 24, 1906	120	4,000,000
Dunkirk Street Railway Company.....	Chautauqua.....	April 7, 1906	40	750,000
Little Falls and Canada Lakes Railroad Company.....	Herkimer and Fulton...	April 30, 1906	20	200,000

SURFACE STREET — Continued.

NAME OF COMPANY.	County in which operated	Date when articles filed.	Length of road, miles.	Capital stock.
The Paul Smith's Electric Light and Power and Railroad Company.....	Franklin.....	May 2, 1906	9	\$100,000
Buffalo and Lackawanna Traction Company.....	Erie.....	June 18, 1906	5	1,000,000
Suffolk Traction Company...	Suffolk.....	June 27, 1906	27.6	1,200,000
Fort George Street Railway Company.....	New York.....	July 2, 1906	1	25,000
Tuscarora Traction Company.	Steuben.....	July 12, 1906	18.50	500,000
Putnam & Westchester Traction Company.....	Putnam and Westchester	July 14, 1906	3.75	75,000
Malone, Fort Covington and Hopkins Point Railway Company.....	Franklin.....	July 19, 1906	18	200,000
Rochester, Corning, Elmira Traction Company.....	Monroe, Livingston, Steuben and Chemung....	July 25, 1906	120	4,000,000
Cross Island Traction Company.....	Suffolk.....	July 31, 1906	42	500,000
Essex County Traction Company.....	Essex.....	Sept. 12, 1906	49	1,500,000
Hornell, Bath and Lake Keuka Railway Company..	Steuben and Yates.....	Oct. 15, 1906	46	1,000,000
Malone, Fort Covington and Hopkins Point Railway Company.....	Franklin.....	Oct. 18, 1906	18	200,000
West Shore Traction Company.....	Rockland.....	Oct. 23, 1906	25	250,000

UNDERGROUND.

Buffalo Subway Railroad Company.....	Erie.....	Jan. 31, 1906	8	1,000,000
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ELEVATED.

East Side Viaduct Railroad Company.....	New York and Westchester.....	June 5, 1906	5	50,000
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COMPANIES CONSOLIDATED.

The following corporations were consolidated and name changed during the year, as follows, viz.:

STREET SURFACE ROADS.

NAME OF OLD COMPANY.	Name of present company.	Certificates filed.	Capital stock.
Buffalo, Dunkirk and Western Railroad Company; Lake Erie Electric Traction Company.....	Buffalo and Lake Erie Traction Company.....	Oct. 29, 1906	\$3,900,000

CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

The following companies, which have been granted certificates of public convenience and a necessity by the Board of Railroad Commissioners, under section 59 of the Railroad Law, have filed such certificates in the Secretary of State's office, between October 31, 1905, and November 1, 1906:

SURFACE STEAM.

TUNESASSA AND BRADFORD RAILROAD COMPANY.

Certificate filed in office of Secretary of State, November 6, 1905.

GENNESEE RIVER RAILROAD COMPANY.

Certificate filed in office of Secretary of State, February 20, 1906.

THE CARTHAGE AND COPENHAGEN RAILROAD COMPANY.

Certificate filed in office of Secretary of State, July 24, 1906.

THE DANBURY AND PORT CHESTER RAILROAD COMPANY.

Certificate filed in office of Secretary of State, July 24, 1906.

ADIRONDACK AND ST. LAWRENCE RAILROAD COMPANY.

Certificate filed in office of Secretary of State, August 23, 1906.

STREET SURFACE.

THE WILLIAMS TERMINAL RAILWAY COMPANY.

Certificate filed in office of Secretary of State, March 2, 1906.

GENEVA, PHELPS AND NEWARK RAILROAD COMPANY.

Certificate filed in office of Secretary of State, March 27, 1906.

BRONX, YONKERS AND WHITE PLAINS RAILWAY COMPANY.

Certificate filed in office of Secretary of State, April 6, 1906.

ELMIRA, CORNING AND WAVERLY RAILWAY COMPANY.

Certificate filed in office of Secretary of State, May 7, 1906.

HUDSON RIVER AND EASTERN TRACTION COMPANY.

Certificate filed in office of Secretary of State, June 15, 1906.

THE PAUL SMITH'S ELECTRIC LIGHT AND POWER AND RAILROAD COMPANY

Certificate filed in office of Secretary of State, September 8, 1906.

EXTENSION OF ROUTES.

NAME OF ROAD.	Extension filed.	Length of extension.
Fonda, Johnstown and Gloversville Railroad Company.....	Nov. 24, 1905	.....
The Olean Street Railway Company.....	Dec. 19, 1905	3 miles.
The Olean Street Railway Company.....	Dec. 19, 1905	$\frac{1}{4}$ miles.
International Railway Company.....	Dec. 29, 1905	.....
The Buffalo Southern Railway Company.....	Jan. 10, 1906	5 miles.
Auburn and Northern Electric Railroad Company.....	Feb. 7, 1906	8,350 feet.
The Olean Street Railway Company.....	Feb. 15, 1906	16 miles.
Brooklyn City Railroad Company.....	Mar. 16, 1906	.....
Geneva, Phelps and Newark Railroad Company.....	April 2, 1906	12,539 feet.
Plattsburgh Traction Company.....	April 3, 1906	1,300 feet.
Syracuse Rapid Transit Railway Company.....	April 4, 1906	14 miles.
Corning and Painted Post Street Railway.....	April 11, 1906	2 $\frac{1}{2}$ miles.
United Traction Company.....	April 16, 1906	12,777 feet.
Hamburg Railway Company.....	April 20, 1906	9 miles.
Brooklyn, Queens County and Suburban Railroad Company.....	April 23, 1906	.....
United Traction Company.....	May 2, 1906	4,650 feet.
The Crostown Street Railway Company of Buffalo.....	May 23, 1906	.....
Binghamton Railway Company.....	June 21, 1906	.....
Geneva, Phelps and Newark Railroad Company.....	June 21, 1906	12,300 feet.
Syracuse, Lake Shore and Northern Railroad Company.....	June 21, 1906	13 miles.
United Traction Company.....	June 22, 1906	.....
United Traction Company.....	June 22, 1906	.....
Syracuse, Lake Shore and Northern Railroad Company.....	June 25, 1906	5.6 miles.
The Olean Street Railway Company.....	June 28, 1906	1,047 feet.
New York and Queens County Railway Company.....	July 9, 1906	.....
Little Falls and Canada Lakes Railroad Company.....	July 10, 1906	.....
Waverly, Sayre and Athens Traction Company.....	July 11, 1906	1,000 feet.
Binghamton Railway Company.....	July 14, 1906	.....
Hudson River and Eastern Traction Company.....	July 23, 1906	2,500 feet.
Rock City Railroad Company.....	Aug. 7, 1906	7 miles.
Cortland County Traction Company.....	Aug. 13, 1906	1.8 miles.
United Traction Company.....	Sept. 15, 1906	1,500 feet.
Rochester Railway Company.....	Oct. 6, 1906	7,250 feet.
The Nassau Electric Railroad Company.....	Oct. 16, 1906	.....

COMPANIES REORGANIZED.

"Oneonta, Cooperstown and Richfield Springs Railway Company" sold March 13, 1906, and reorganized as

ONEONTA AND MOHAWK VALLEY RAILROAD COMPANY.

Capital stock, \$1,800,000.

Certificate filed in office of Secretary of State, May 8, 1906.

"Brooklyn and Rockaway Beach Railroad Company" sold May 2, 1906, and reorganized as

CANARSIE RAILROAD COMPANY.

Capital stock, \$250,000.

Certificate filed in office of Secretary of State, May 12, 1906.

"Elmira and Seneca Lake Railway Company" sold April 26, 1906, and reorganized as

ELMIRA AND SENECA LAKE TRACTION COMPANY.

Capital stock, \$200,000.

Certificate filed in office of Secretary of State, July 6, 1906.

"Olean, Rock City and Bradford Railroad Company" sold April 25, 1906, and reorganized as

ROCK CITY RAILROAD COMPANY.

Capital stock, \$1,100,000.

Certificate filed in office of Secretary of State, July 14, 1906.

"Lake Erie Traction Company" sold June 28, 1906, and reorganized as

LAKE ERIE ELECTRIC TRACTION COMPANY.

Capital stock, \$400,000.

Certificate filed in office of Secretary of State, October 25, 1906.

LEASED ROADS.

The following roads were leased during the year, viz.:

"Buffalo Union Furnace Company"
was leased July 1, 1905, to

BUFFALO UNION TERMINAL RAILROAD COMPANY.

Lease filed in office of Secretary of State, November 8, 1905.

INCREASE OF CAPITAL STOCK.

The following companies filed certificates of increased capital stock during the year, to wit:

NAME OF ROAD.	From	To	Filed with Secretary of State.
New York Central and Hudson River Railroad Company.....	\$115,000,000	\$150,000,000	Dec. 7, 1905
The Delaware and Hudson Company.....	43,990,000	48,990,000	Jan. 15, 1906
Auburn and Syracuse Electric Railroad Company.....	1,500,000	2,000,000	Jan. 23, 1906
Hudson Valley Railway Company.....	3,000,000	5,500,000	Mar. 27, 1906
Buffalo, Rochester and Lockport Railway Company.....	590,000	4,000,000	May 14, 1906
The Delaware and Hudson Company.....	48,990,000	55,990,000	June 1, 1906
The Lehigh Valley Railway Company.....	10,000,000	11,200,000	June 27, 1906
Schenectady Railway Company.....	600,000	7,000,000	July 24, 1906
New York Central and Hudson River Railroad Company.....	150,000,000	250,000,000	Oct. 9, 1906

CHANGE OF ROUTE.

HUDSON VALLEY RAILWAY COMPANY.

Certificate of change filed in office of Secretary of State, March 26, 1906.

BRONX, YONKERS AND WHITE PLAINS RAILWAY COMPANY.

Certificate of change filed in office of Secretary of State, June 22, 1906.

CHANGE OF PLACE OF BUSINESS.

BROOKLYN, QUEENS COUNTY AND SUBURBAN RAILROAD COMPANY.

From Newtown, Queens county, to Borough of Brooklyn, city of New York.

Certificate of change filed in office of Secretary of State, December 20, 1905.

THE BUFFALO, ATTICA AND ARCADE RAILROAD COMPANY.

From village of Attica, Wyoming county, to city of Buffalo.

Certificate of change filed in office of Secretary of State, August 9, 1906.

REDUCTION OF NUMBER OF DIRECTORS.

NAME OF COMPANY.	From	To	Filed with the Secretary of State.
Delaware and Eastern Railroad Company.....	19	10	Jan. 18, 1906
United Traction Company.....	15	9	Feb. 8, 1906
New York City Railway Company.....	11	9	June 9, 1906
Owasco River Railway.....	13	9	July 18, 1906

INCREASE OF NUMBER OF DIRECTORS.

NAME OF COMPANY.	From	To	Filed with the Secretary of State.
Schenectady Railway Company.....	9	10	Feb. 27, 1906
International Railway Company.....	15	17	April 16, 1906
Rochester, Syracuse and Eastern Railroad Company.....	12	13	Aug. 25, 1906

CERTIFICATE OF MERGER.

The following companies have been merged during the year:

"The Glens Falls Railroad Company," merged July 31, 1906, with

THE RENSSELAER AND SARATOGA RAILROAD COMPANY.

Certificate of merger filed in office of Secretary of State, August 10, 1906.

ANNULMENT OF LEASE.

At meeting held September 30, 1906, the lease existing between THE NEW YORK AND STAMFORD RAILROAD COMPANY and THE CONSOLIDATED RAILWAY COMPANY (Connecticut) was annulled.

Certificate of annulment filed in office of Secretary of State, October 4, 1906.

JUDGMENT CONFIRMING SALE.

At Special Term of Supreme Court at Buffalo, May 29, 1906, judgment was entered in the matter of "American Loan and Trust Company" v. "Olean, Rock City and Bradford Railroad Company." Also decree of sale in same matter.

Certificate filed in office of Secretary of State, August 4, 1906.

ENACTMENTS RELATING TO RAILROADS.

1906.

Chap. 25. An act to provide for the paving and improvement of certain streets in the village of Green Island, Albany county, and to provide for the method and means of paying therefor.

Chap. 39. An act to amend the public health law, in relation to the construction of sewers in villages upon the requisition of local boards of health.

Chap. 40. An act to enable any town owning stock in the Cooperstown and Susquehanna valley railroad company to sell such stock.

Chap. 41. An act to amend section two hundred and ninety of the penal code relating to children.

Chap. 51. An act to amend the code of civil procedure, relative to the preference of causes upon the calendar.

Chap. 52. An act to amend section nineteen of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," relative to the vote required to pass an ordinance for the appropriation of money.

Chap. 54. An act to legalize a certain contract made between the city of Niagara Falls, the Niagara Falls hydraulic power and manufacturing company and the International Railway company, relative to the construction of bridges over the hydraulic canal of the Niagara Falls hydraulic power and manufacturing company in said city; to authorize said city to perform and carry into effect its part of said contract; to issue bonds for such purposes, and to levy and assess taxes for the payment of such bonds.

Chap. 55. An act to prevent the location, construction, maintenance and operation of a street surface railroad or railroad of any kind in or upon Beach lane at Westhampton beach, in the town of Southampton, in Suffolk county.

Chap. 73. An act to amend the forest, fish and game law, in relation to the sale of wall-eyed and yellow pike in cities containing one million or more inhabitants.

Chap. 75. An act to supplement the provisions of law relating to the department of assessment and taxation of the city of Syracuse.

Chap. 80. An act to authorize the macadamizing or paving of streets, avenues or highways, and the construction of the necessary drains, curbing and gutters therefor, and in connection therewith, in the village of White Plains, Westchester county, and to provide the manner and means of paying therefor.

Chap. 89. An act to amend the code of civil procedure, relative to the length of time to publish notice.

Chap. 101. An act to amend the highway law, in relation to the construction and maintenance of ditches or drains.

Chap. 109. An act to terminate the use of streets, avenues and public places in the city of New York, in the borough of Manhattan, by railroads operated by steam locomotive power at grade.

Chap. 128. An act to amend chapter five hundred and thirty-eight of the laws of nineteen hundred and four, entitled "An act in relation to the registration and identification of motor vehicles and the use of the public highways by such vehicles," providing for the release from custody and furnishing of bail by persons charged with violation of the motor vehicle law.

Chap. 141. An act to amend chapter thirty-three of the laws of eighteen hundred and ninety-six, entitled "An act to extend the time for the completion of the Rhinebeck and Rhinecliff street surface railroad company," in relation to extension of time to complete.

Chap. 144. An act to amend chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the relief of the city of Buffalo and to change and regulate the crossing and occupation of the streets, avenues and public grounds in said city by railroads," in relation to the commissioners and giving them further powers.

Chap. 155. An act to amend the tax law in relation to the defense of certiorari proceedings to review the assessment of a special franchise by the State Board of Tax Commissioners.

Chap. 170. An act to amend chapter five hundred and seventy-two of the laws of nineteen hundred and two, entitled "An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof," in relation to boundaries.

Chap. 185. An act to revise the charter of the city of Auburn.

Chap. 199. An act to amend the forest, fish and game law, in relation to actions for penalties by the people.

Chap. 206. An act to amend the forest, fish and game law, in relation to the office and clerical force, game protectors and forestry department.

Chap. 228. An act to amend the general corporation law, relative to the acquisition of real property by life insurance corporations.

Chap. 238. An act to amend the stock corporation law relative to the qualification of directors.

Chap. 239. An act to amend the general corporation law relative to political contributions by corporations.

Chap. 242. An act to amend, revise and consolidate the charter of the village of Ossining, and to extend the boundaries of said village.

Chap. 243. An act to authorize the village of Homer, to construct and maintain an artificial outlet for the waters of Barber pond in said village and to close the present outlet and to issue necessary bonds therefor.

Chap. 248. An act to amend the tax law, in relation to taxation of the personal property of nonresidents.

Chap. 252. An act to extend the time for beginning the construction of the Troy, Rensselaer and Pittsfield railroad, and expending thereon ten per centum of its capital.

Chap. 253. An act to amend the public health law, relative to the number and appointment of members of local boards of health.

Chap. 260. An act creating a commission to confer with the governor and legislature of the state of New Jersey for the purpose of developing a system of transit between the city of New York and the State of New Jersey.

Chap. 263. An act to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," in relation to the paving of Railroad avenue.

Chap. 265. An act to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, known as the highway law, in relation to limitations upon laying out highways.

Chap. 282. An act to amend chapter nine hundred and five, of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the city of Watervliet," relative to local assessments.

Chap. 286. An act to amend the penal code in relation to the misconduct of officers and employees of corporations.

Chap. 287. An act authorizing and empowering the commissioners of the land office to grant to Harrison B. Washburn and Isaac T. Washburn, all the interest of this state in and to certain lands formerly under the waters of the Hudson river, but since filled in, and to adjoining lands now under the waters of the Hudson river in and adjoining the village of Ossining, in the county of Westchester.

Chap. 288. An act to revise the charter of the city of Hornellsville and to change the name thereof.

Chap. 290. An act to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush bridge company," as amended by chapter five hundred and two of the laws of eighteen hundred and ninety-five.

Chap. 292. An act to amend chapter eight hundred and twelve of the laws of eighteen hundred and ninety-six, entitled "An act to revise, amend and consolidate the several acts relating to the area or territory known as Sylvan Beach, in the town of Vienna, county of Oneida, and to repeal certain acts and parts of acts," in relation to changing the boundaries of the territory affected by said chapter.

Chap. 300. An act to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," generally.

Chap. 304. An act to authorize the extension of Riverside park in the city of New York by filling in certain land under water so as to permit the construction of an athletic field and playgrounds therein by the trustees of Columbia college in the city of New York.

Chap. 314. An act to amend chapter seven hundred and twenty-four of the laws of nineteen hundred and five, entitled "An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interests therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects," generally.

Chap. 316. An act to amend the labor law, in relation to cash payment of wages.

Chap. 321. An act to amend the legislative law relative to services in legislative matters.

Chap. 324. An act to amend the penal code relative to the crime of perjury.

Chap. 329. An act to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof," in relation to boundaries.

Chap. 335. An act to amend chapter three hundred of the laws of nineteen hundred and four, entitled "An act to revise and consolidate the several acts relative to the city of Niagara Falls," relative to various sections thereof, to insert a new section therein relating to the issuance of certificates of indebtedness for the payment of the cost of paving street intersections, and to repeal sections two hundred and fourteen and two hundred and fifteen of said chapter.

Chap. 349. An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and eighty-three, entitled "An act in relation to receivers of corporations," in relation to commissions and the designation and compensation of counsel, and repealing the section of the revised statutes relating to the compensation of receivers.

Chap. 365. An act to amend chapter one hundred and forty-seven of the laws of nineteen hundred and three, entitled "An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three," and the acts supplementary thereto and amendatory thereof, in relation to cost of searches and interest on the compensation and damages allowed to land owners.

Chap. 372. An act to amend the agricultural law, relative to transportation of calves and carcasses of the same.

Chap. 379. An act to amend chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, entitled "An act in relation to the village of Fredonia," in relation to the portion of expense for paving or macadamizing to be borne by street railroads.

Chap. 380. An act to amend section fifty-eight of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws" as amended by chapter five hundred and thirty-nine of the laws of eighteen hundred and ninety-nine.

Chap. 397. An act to amend the village law, in relation to franchises and the filing thereof.

Chap. 411. An act to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers," generally.

Chap. 414. An act to amend sections three hundred and fifteen, three hundred and seventeen and three hundred and twenty-one of article fifteen of the tax law in relation to the tax on transfers of stock.

Chap. 415. An act to amend chapter seven hundred and twenty-three of the laws of nineteen hundred and five, entitled "An act to establish a state water commission and to define its powers and duties, and making an appropriation therefor," generally.

Chap. 418. An act to transfer and confer the powers and impose and devolve the duties of the river improvement commission, as created and established by chapter seven hundred and thirty-four of the laws of nineteen hundred and four; upon the state water supply commission, as created and established by chapter seven hundred and twenty-three of the laws of nineteen hundred and five.

Chap. 425. An act to amend the tax law, in relation to providing assessors with additional information in respect to corporations taxable in their several districts.

Chap. 431. An act to organize the senate districts and for the apportionment of the members of assembly of this state.

Chap. 458. An act to amend the tax law in relation to the hearing on special franchise assessments.

Chap. 472. An act to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," generally.

Chap. 473. An act to provide for the government of cities of the second class.

Chap. 474. An act to amend sections one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-five and one hundred and ninety of the tax law in relation to the taxation of corporations.

Chap. 477. An act to revise the charter of the city of Elmira.

Chap. 478. An act to amend the forest, fish and game law, in relation to possession of deer.

Chap. 497. An act to amend the code of criminal procedure, relative to jurisdiction of courts of special sessions.

Chap. 519. An act to amend the forest, fish and game law in relation to the salaries of the inspectors.

Chap. 524. An act to amend the tax law, in relation to an organization tax upon the increased portion of corporate stock, in certain cases.

Chap. 526. An act to authorize the city of Buffalo to sell and convey the lands and premises known as the Mill race strip, or any part or parts thereof.

Chap. 527. An act giving the city of Buffalo additional power to abate floods in Buffalo river and Cazenovia creek, and to put the Buffalo river in navigable condition, and to acquire lands by purchase or by eminent domain proceedings, and requiring the construction of bridges over said Buffalo river and Cazenovia creek, and providing for the issue of bonds, and for the raising of money by general and local taxation to pay the expense of said work or improvement.

Chap. 528. An act to amend section five of chapter three hundred and eight of the laws of nineteen hundred and three, entitled "An act to regulate the junk business, and to require a person engaging in such business to procure a license," relative to penalty for violation.

Chap. 530. An act to amend the highway law, relative to damages for change of grade.

Chap. 532. An act to amend the tax law in relation to the taxation of mortgages of real property.

Chap. 551. An act to authorize the depression of the structure of the Manhattan railway company or its successors, on Division street, between Catharine and Allen streets, and on Allen street between Division street and Canal street, in the city of New York, and to provide for the payment of the expense thereof.

Chap. 561. An act to amend an act, entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," relative to the boundaries of the several wards of the city of Schenectady.

Chap. 574. An act to incorporate the Niagara Frontier Bridge Company.

Chap. 576. An act to incorporate the Trans-Niagara Bridge Company.

Chap. 577. An act to amend the village law relative to poles and wires upon or conduits under streets and railways thereon.

Chap. 581. An act to amend the banking law, relative to securities in which deposits in savings banks may be invested.

Chap. 592. An act to amend the charter of the city of New Rochelle in relation to the powers and duties of the city engineer and the board of sewer commissioners of said city.

Chap. 595. An act to amend chapter eighty-seven of the laws of eighteen hundred and ninety-eight, entitled "An act to amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled 'An act to incorporate the city of Newburgh,' and the several acts amendatory thereof," in relation to the improvement of streets in said city.

Chap. 597. An act to amend section three hundred and ninety-five of the Greater New York charter relating to permits for construction of private sewers.

Chap. 606. An act to amend section thirty-two of chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," as heretofore amended.

Chap. 607. An act to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," relative to public hearings.

Chap. 610. An act to authorize the board of estimate and apportionment of the city of New York, to change the location of the railroad tracks of the Coney Island and Brooklyn railroad company in Coney Island avenue, borough of Brooklyn, from the side of the street to the center thereof.

Chap. 615. An act to authorize the grant by the city of New York to the New York and Harlem Railroad Company and to the New York Central and

Hudson River Railroad Company, or either of them, of lands lying between Cross street at Croton Falls, New York, and Carmel avenue, Brewster, New York, for railroad purposes.

Chap. 623. An act to amend section twenty-one of title seven of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Yonkers," in relation to the alteration of the grade of streets.

Chap. 628. An act to amend chapter two hundred and sixty-nine of the laws of nineteen hundred and two, entitled "An act to incorporate the city of Plattsburgh," in relation to streets and sidewalks.

Chap. 633. An act to amend chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, entitled "An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," and the acts amendatory thereof, in relation to powers and duties of treasurer and collector, assessment and collection of taxes, powers and duties of the board of street and sewer commissioners, the board of water commissioners, and the village trustees in relation to care and improvement of pier and basin.

Chap. 636. An act to amend section forty-eight of the Greater New York charter relating to the board of aldermen acting upon bond issues.

Chap. 646. An act to extend the time of the Danbury and Harlem Traction Company to complete the construction of its road and extensions and to put the same in operation.

Chap. 647. An act to extend the time of the Batavia and Northern railroad company to begin the construction of its road, and to expend thereon ten per centum of the amount of its capital, and to finish its road and put it in operation.

Chap. 649. An act to legalize and confirm the certificate of incorporation and the incorporation of the Cooperstown and Mohawk Valley Railway Company and the proceedings taken and had under or in pursuance of said certificate.

Chap. 650. An act to extend the time of the Buffalo, Thousand Islands and Portland Railroad Company to commence and complete the construction of its railroad.

Chap. 651. An act to amend chapter six hundred and fifty of the laws of nineteen hundred and four, entitled "An act to revise the charter of the city of Rome," relative to revising several sections of said charter.

Chap. 652. An act to amend chapter six hundred and seventy-eight of the laws of nineteen hundred and four, entitled "An act to extend the time of the Bennington and Hoosick valley railway company to commence the construction of all its extensions, to finish all the extensions of its said road, and to put all of the same in operation," by further extension of time.

Chap. 653. An act to extend the time of the Albany and Schoharie Valley Railroad Company to commence and complete the construction of its railroad.

Chap. 657. An act to amend the railroad law in relation to liability for injuries to employees.

Chap. 658. An act to amend the title of title four, chapter seventeen of the Greater New York charter, revised, as amended, relating to the opening

of streets and parks, so as to include the acquisition of title in fee or to an easement therein or in lands for public purposes, not elsewhere provided for, and amending certain sections of the charter comprised within said title.

Chap. 659. An act to amend the Greater New York charter, in relation to the powers of the commissioners of the sinking fund.

Chap. 660. An act to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city."

Chap. 665. An act to amend chapter five hundred and sixty-eight of the laws of nineteen hundred and two, entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of widening, deepening, dredging, removing obstructions and otherwise improving Buffalo river, from the Evans slip to the south line of lot sixty-five, Indian reservation, the city ship canal and Peck slip, or so much of said river, canal or slip as the common council may hereafter determine," in relation to bond issue.

Chap. 668. An act to provide for the construction of a new lift or hoist bridge over the Oswego canal at North Salina street in the city of Syracuse, and making an appropriation therefor.

Chap. 689. An act to provide for the improvement of the river front in the city of Albany.

ALPHABETICAL LIST

Of Companies Formed Under the Laws of This State.

Name of road.	When formed.	Name of road.	When formed.
Addison and Northern Pennsylv- vania	1882	Amsterdam, Johnstown and Glov- ersville	1894
Addison, Osceola and Cowanesque Valley	1874	Amsterdam Street	1873
Addison and Pennsylvania	1892	Arcade and Genesee River	1872
Addison and Pennsylvania	1892	Astoria, Billasville and Calvary Cemetery	1891
Addison and Pennsylvania	1887	Astoria and Hunter's Point	1867
Addison and Susquehanna	1898	Astoria and Hunter's Point	1877
Adirondack	1839	Astoria Street	1891
Adirondack	1863	Atlantic Avenue	1872
Adirondack Estate Railroad Com- pany	1860	Atlantic Avenue Elevated	1890
Adirondack Extension	1891	Atlantic Cable	1888
Adirondack Lakes' Traction	1903	Atlantic and Great Western	1859
Adirondack and St. Lawrence	1890	Atlantic and Great Western	1872
Adirondack and St. Lawrence	1906	Atlantic and Great Western of New York	1872
Adirondack Railway	1882	Atlantic and Great Western Rail- road Company of New York and Pennsylvania	1872
Albany	1861	Atlantic and Ontario	1871
Albany	1863	Attica and Allegheny Valley	1852
Albany and Catskill	1903	Attica and Arcade	1870
Albany County	1900	Attica and Arcade	1880
Albany, Bennington and Rutland	1859	Attica and Buffalo	1836
Albany and Boston	1862	Attica and Freedom	1891
Albany and Boston	1864	Attica and Hornellsville	1845
Albany, Greenbush and Bath	1895	Attica, Lockport and Lake Ontario	1883
Albany, Heiderberg and Schoharie Electric	1895	Attica and Sheldon	1836
Albany and Hudson	1899	Auburn City	1896
Albany and Hudson	1903	Auburn and Canal	1832
Albany and Kenwood	1893	Auburn and Deposit Air Line	1871
Albany and Lakawanna	1896	Auburn and Homer Midland	1872
Albany and New York	1866	Auburn and Ithaca	1889
Albany and Northern	1851	Auburn and Ithaca Traction	1905
Albany Railroad	1863	Auburn Inter-Urban Electric	1895
Albany Railway	1863	Auburn and Northern Electric	1904
Albany, Sandlake and Stephen- town	1871	Auburn and Owasco Lake	1871
Albany and Saratoga	1852	Auburn and Owasco Lake	1880
Albany and Saratoga Springs	1853	Auburn and Owasco Lake Electric	1889
Albany and Schenectady	1847	Auburn and Port Byron	1869
Albany and Schenectady Traction	1900	Auburn and Rochester	1836
Albany and Suburban	1895	Auburn and Syracuse	1834
Albany and Susquehanna	1851	Auburn and Syracuse Electric	1902
Albany Terminal	1888	Auburn and Western	1897
Albany and Vermont	1859	Auburn and Willow Brook	1872
Albany, Vermont and Canada	1859	Aurora and Buffalo	1832
Albany and West Stockbridge	1836	Avenue C	1869
Albion Electric	1902	Avon, Genesee and Mount Morris	1860
Albion and Lockport	1904	Babylon	1871
Albion and Rochester	1904	Babylon and North Shore	1898
Albion and Tonawanda	1832	Baldwinsville Branch	1886
Allegheny Central	1881	Baldwinsville and Liverpool	1898
Allegheny Central	1882	Ballston Electric	1895
Allegheny and Kinzua	1888	Ballston Terminal	1896
Allegheny and Kinzua	1890	Batavia, Albion and Lake Ontario	1883
American Railroad Company of Porto Rico (Foreign)	1902	Batavia, Attica and Salamanca	1867
Amityville and Huntington	1903	Batavia and Cheektowaga	1850
Amsterdam, Chuctanunda and Northern	1879	Batavia and Northern	1894
Amsterdam Electric	1888	Batavia and Northern	1895
Amsterdam and Huganman Trac- tion	1906	Batavia Street	1895
		Bath and Crooked Lake	1831
		Bath and Hammondsport	1872

Name of road.	When formed.	Name of road.	When formed.
Bath and Lake Keuka	1895	Broadway and Rockaway Beach	1880
Battenkill	1802	Broadway and Seventh Avenue	1864
Bay Ridge Sea Shore	1871	Broadway Surface	1884
Bay Ridge and Sea Side	1871	Broadway Underground	1880
Bay Shore	1866	Broadway Underground Connect- ing	1880
Beacon Mountain	1902	Broadway and Yonkers Patent	1866
Bedford and Eastern	1899	Brockport, Niagara and Rochester	1902
Beldon Point	1802	Brocton Street	1894
Belmont and Buffalo	1871	Brockville and St. Lawrence Bridge Company	1897
Bennington and Hoosick Valley	1897	Brook Avenue	1885
Berney Traction	1902	Brookfield	1888
Binghamton	1892	Brooklyn, Bath and Coney Island	1862
Binghamton and St. Lawrence	1894	Brooklyn, Bath and Coney Island	1879
Binghamton Central	1902	Brooklyn, Bath and West End	1885
Binghamton Central	1883	Brooklyn, Bergen Beach and Can- arsle	1898
Binghamton, Dushore and Wil- liamsport	1872	Brooklyn Bridge, Prospect Park and Eastern	1895
Binghamton, Lestershire and Union	1894	Brooklyn Bridge and South Ferry	1887
Binghamton and Port Dickinson	1868	Brooklyn Bridge and South Shore	1886
Binghamton and Southern	1903	Brooklyn and Brighton Beach	1887
Binghamton and Southwestern	1887	Brooklyn, Bushwick and Queens County	1885
Binghamton Street	1890	Brooklyn Cable	1883
Binghamton and Susquehanna	1833	Brooklyn Cable	1886
Binghamton State Line	1892	Brooklyn and Carnarsle	1865
Binghamton and Williamsport	1882	Brooklyn Central	1859
Black River	1836	Brooklyn Central and Jamaica	1860
Black River Company	1832	Brooklyn City	1853
Black River Traction	1897	Brooklyn City Elevated	1875
Black River Traction	1901	Brooklyn City Elevated	1879
Black River and Morristown	1870	Brooklyn City, Hunter's Point and Prospect Park	1868
Black River and St. Lawrence	1868	Brooklyn City and Newtown	1860
Black River and Utica	1853	Brooklyn City and Ridgewood	1861
Black River and Woodhull	1868	Brooklyn City and Rockaway	1862
Bleecker Street and Fulton Ferry	1864	Brooklyn and Coney Island	1876
Blossburgh and Corning	1854	Brooklyn and Coney Island Central	1877
Bombay and Moira	1898	Brooklyn, Coney Island and Rock- away	1878
Boonville and Constableville	1868	Brooklyn Crosstown	1872
Boonville and Ontario	1868	Brooklyn, East New York and Rockaway	1864
Boonville and Port Ontario	1878	Brooklyn Elevated	1884
Boonville and Turin	1868	Brooklyn Elevated and Atlantic Beach	1879
Boston and Albany	1870	Brooklyn Elevated and Railway Construction Company	1882
Boston, Albany and Schenectady	1877	Brooklyn Elevated Silent Safety	1874
Boston, Hartford and Erie	1864	Brooklyn, Flatbush and Coney Island	1859
Boston, Hartford and Erie Extension	1864	Brooklyn, Flatbush and Coney Island	1886
Boston, Hartford and Erie Ferry Extension	1864	Brooklyn, Flatbush and Coney Island Railway	1877
Boston and Henderson Harbor	1877	Brooklyn, Flatbush and Rock- away Beach	1879
Boston, Hoosac Tunnel and Albany	1873	Brooklyn, Fort Hamilton, Bath and Coney Island	1836
Boston, Hoosic Tunnel and West- ern	1877	Brooklyn, Fort Hamilton and Coney Island	1867
Boston, Hoosic Tunnel and West- ern Railway	1881	Brooklyn, Fort Hamilton and Coney Island	1881
Boston, New York and Chicago	1874	Brooklyn Heights	1887
Boston, New York and Western	1880	Brooklyn Heights Cable	1886
Boston, Rome and Oswego	1871	Brooklyn and Jamaica	1832
Boston, Saratoga and Western	1870	Brooklyn and Jamaica	1866
Boutenberg	1886	Brooklyn and Jersey City Ferry	1884
Bowery Bay and Hunter's Point	1882	Brooklyn and Long Island Cable	1884
Bradford, Eldred and Cuba	1881	Brooklyn and Long Island City	1880
Branchport and Penn Yan	1885	Brooklyn and Long Island Trunk	1883
Breslau and Fire Island	1872	Brooklyn, Middle Village and Ja- malca	1866
Brewerton and Syracuse	1836	Brooklyn, Mapleton, Van Pet Manor and Bath Beach	1893
Bridge Tunnel	1886	Brooklyn and Montauk	1880
Brighton (No. 1)	1880		
Brighton (No. 2)	1880		
Brighton Beach	1879		
Brighton Beach and New York	1880		
Brighton and Bensonhurst	1892		
Broad Street (New York)	1890		
Broadway and Bowery Bay	1883		
Broadway (Brooklyn)	1858		
Broadway (New York)	1884		
Broadway (New York)	1890		
Broadway Central Underground	1880		
Broadway Ferry and Metropolitan Avenue	1892		
Broadway, Lexington and Fifth Avenue	1884		

Name of road.	When formed.
Brooklyn, Newtown and Bowery Bay	1894
Brooklyn, New York and New Jersey Terminal	1893
Brooklyn, Prospect Park and Flatbush	1867
Brooklyn, Prospect Park and Jamaica Bay	1869
Brooklyn and Queens County	1883
Brooklyn, Queens County and Suburban	1893
Brooklyn and Rockaway	1867
Brooklyn and Rockaway Beach	1861
Brooklyn, Rockaway and Coney Island	1881
Brooklyn and Sea Shore	1871
Brooklyn Steam Transit	1869
Brooklyn Steam Transit	1871
Brooklyn Sub-railway	1886
Brooklyn and Suburban	1887
Brooklyn Union Elevated	1899
Brooklyn Underground	1881
Brooklyn, Winfield and Newtown	1870
Brooklyn and Winfield Railway	1869
Broome County	1903
Broome and DeLancey Street Crosstown	1886
Broome, DeLancey and Spring Streets	1895
Bronx Traction Company	1904
Bronx, Yonkers and White Plains	1905
Bronx, Yonkers and White Plains	1905
Buffalo	1860
Buffalo	1890
Buffalo and Allegany Valley	1853
Buffalo, Aurora and Southeastern	1882
Buffalo and Batavia	1838
Buffalo, Batavia and Rochester Electric	1904
Buffalo, Bellview and Lancaster	1892
Buffalo and Black Rock	1833
Buffalo, Bradford and Pittsburg	1859
Buffalo Branch of the Erie Railway	1861
Buffalo, Cayuga Valley and Pine Creek	1882
Buffalo, Chautauqua Lake and Pittsburg	1879
Buffalo City	1867
Buffalo City	1877
Buffalo, Cleveland and Chicago Railway	1881
Buffalo and Cohocton Valley	1850
Buffalo, Corning and New York	1872
Buffalo, Corey and Pittsburg	1868
Buffalo Creek	1860
Buffalo Creek Extension	1874
Buffalo Creek Extension	1906
Buffalo Creek Transfer	1881
Buffalo Crosstown	1874
Buffalo and Depew	1897
Buffalo Dock and Connecting	1890
Buffalo, Dunkirk and Western	1903
Buffalo and East Aurora Electric	1892
Buffalo, East Otto and Cattaraugus	1901
Buffalo East Side Street	1870
Buffalo Electric and Cable Street	1889
Buffalo and Erie	1832
Buffalo and Erie	1867
Buffalo and Erie Electric	1899
Buffalo Erie Basin	1876
Buffalo Frontier Terminal	1904
Buffalo, Gardenville and Ebenezzer	1895
Buffalo and Geneva	1886
Buffalo and Geneva	1889
Buffalo and Great Western	1882
Buffalo and Hamburg	1899
Buffalo Harbor	1883
Buffalo, Hamburg and Aurora	1897

Name of road.	When formed.
Buffalo and Hinsdale	1846
Buffalo and International	1857
Buffalo and International Bridge	1871
Buffalo and Jamestown	1872
Buffalo, Kenmore and Tonawanda Electric	1891
Buffalo, Lackawanna and Pacific	1889
Buffalo and Lackawanna Traction	1906
Buffalo and Lancaster Electric	1892
Buffalo, Lake Erie and Niagara	1905
Buffalo and Lake Erie Traction	1906
Buffalo and Lake Huron	1858
Buffalo Lehigh	1881
Buffalo and Lockport	1852
Buffalo and Lockport Railway	1898
Buffalo, Lockport and Rochester	1905
Buffalo and New York	1851
Buffalo and New York City	1871
Buffalo, New York and Erie	1857
Buffalo, New York and Philadelphia	1871
Buffalo and Niagara Falls	1834
Buffalo and Niagara Falls Electric	1893
Buffalo and Niagara Falls Electric	1895
Buffalo, Niagara Falls and Rochester	1900
Buffalo, Niagara River and Grand Island	1897
Buffalo Niagara Slip	1877
Buffalo and Niagara Terminal	1903
Buffalo, North Main Street and Tonawanda Electric	1892
Buffalo, North Main Street and Tonawanda	1895
Buffalo, North Tonawanda and Sanborn Electric	1893
Buffalo and Oil Creek Cross Cut	1865
Buffalo and Pittsburg	1852
Buffalo, Pittsburg and St. Louis	1852
Buffalo Pittsburg and Western	1880
Buffalo, Pittsburg and Western	1881
Buffalo and Rochester	1850
Buffalo and Rochester Railway	1904
Buffalo, Rochester and Pittsburg	1881
Buffalo, Rochester and Pittsburg	1875
Buffalo, Rochester and Pittsburg	1887
Buffalo and Rochester Traction	1905
Buffalo and South Eastern	1904
Buffalo and South Park Belt Line	1887
Buffalo Southern	1904
Buffalo Southern Railway	1905
Buffalo and Southwestern	1878
Buffalo and State Line	1849
Buffalo and Springville	1871
Buffalo, Springville and Cattaraugus	1902
Buffalo Street	1860
Buffalo Subway	1906
Buffalo and Susquehanna Railway	1902
Buffalo, Syracuse and Albany	1878
Buffalo, Tonawanda and Niagara Falls Electric	1898
Buffalo and Tonawanda Electric	1893
Buffalo, Thousand Islands and Portland	1890
Buffalo, Tonawanda and Niagara Falls	1853
Buffalo, Tonawanda and Niagara River	1890
Buffalo Traction	1895
Buffalo Union Terminal	1904
Buffalo Valley	1898
Buffalo and Washington	1865
Buffalo and Williamsville	1868
Buffalo and Williamsville	1870
Buffalo and Williamsville	1886
Buffalo and Williamsville Electric	1891

Name of road.	When formed.	Name of road.	When formed.
Buffalo, Williamsville and North- ern	1838	Central New York and Western ..	1892
Bull's Head and Annandale Beach ..	1902	Central New York and Western ..	1899
Burnet Street Car	1886	Central Park, North and East River	1860
Bush Terminal	1903	Central Park and Kingsbridge ..	1866
Bushwick	1867	Central Railroad Extension	1873
Cairo	1884	Central Saratoga	1878
Calvary Cemetery, Greenpoint and Brooklyn	1885	Central of Staten Island	1870
Camden, Watertown and Northern ..	1890	Central (Staten Island)	1873
Campbell Hall Connecting	1889	Central Tunnel	1881
Canajoharie and Catskill	1830	Central Valley	1870
Canal	1878	Chambers Street	1877
Canandaigua and Bath	1872	Chambers Street	1884
Canandaigua and Corning	1845	Chambers Street Croestown	1880
Canandaigua and Elmira	1852	Chambers Street and Grand Street Ferry	1884
Canandaigua Lake	1887	Champlain and St. Lawrence	1851
Canandaigua and Niagara Falls	1851	Charlotte Lake View	1875
Canandaigua, Palmyra and Ontario ..	1872	Charlotte and Lake View	1881
Canandaigua Railway and Trans- portation Company	1828	Chateaugay	1879
Canandaigua Street	1886	Chateaugay	1887
Canandaigua and Syracuse	1853	Chautauqua County	1851
Canarsie	1906	Chatham and Lebanon Valley	1899
Canarsie, Brooklyn and Winfield ..	1864	Chautauqua Lake	1874
Canarsie and Flatbush	1874	Chautauqua Lake	1885
Canastota and Morrisville	1901	Chautauqua Lake	1886
Canastota and Morrisville	1901	Chautauqua Traction	1903
Canastota Northern	1886	Chautauqua Valley	1882
Canisteo, Jasper and Woodhull	1902	Chazy	1893
Canisteo Valley Electric	1891	Chemung	1845
Canton and St. Lawrence River	1885	Chemung and Ithaca	1837
Canton and Waddington	1884	Chemung Valley Traction	1905
Capitol Railway	1891	Chenango Valley	1863
Carthage and Copenhagen	1906	Cherry Valley and Mohawk River ..	1864
Carthage and Adirondack	1883	Cherry Valley, Sharon and Albany ..	1860
Carthage, Watertown and Sacketts Harbor	1869	Cherry Valley and Sprakers Horse Power Railroad Company	1860
Cassadaga and Erie	1836	Cherry Valley and Susquehanna ..	1836
Castleton and West Stockbridge ..	1834	Chittenango and White Sulphur Springs	1895
Catskill City	1885	Christopher Street and James Slip Ferry	1885
Catskill Electric	1897	Christopher and Tenth Street	1873
Catskill Horse	1874	Citizens' Electric	1887
Catskill, Cairo and Windham	1895	Citizens' Electric (Corning)	1892
Catskill and Ithaca	1828	Citizens' Railway	1885
Catskill Mountain	1880	Citizens' Railway of Jamestown ..	1890
Catskill Mountain	1885	Citizens' Street (Poughkeepsie) ..	1890
Catskill Mountain and Mohawk Valley	1905	Citizens' Street Railroad Company of Rochester	1885
Catskill Mountain Traction	1901	Citizens' Surface	1888
Catskill and Schoharie Valley	1871	City (Binghamton)	1883
Catskill and Tannersville	1892	City Island	1884
Cattaraugus	1868	City Line and Canarsie	1869
Cayadutta Electric	1882	City of Poughkeepsie	1869
Cayadutta Electric	1893	City (Poughkeepsie)	1878
Cayuga Lake	1867	City Railway Company of New York	1888
Cayuga Lake Electric	1894	Clayton and Theresa	1871
Cayuga Lake and Ithaca	1904	Clinton Avenue	1864
Cayuga Midland	1871	Clinton and South Clinton	1853
Cayuga Northern	1872	Clove Branch	1868
Cayuga Railway	1875	Clyde Electric	1901
Cayuga Southern	1878	Clyde and Sodus Bay	1853
Cayuga and Susquehanna	1843	Coashulla Coal Company (Mexico) ..	1904
Cazenovia and Canastota	1868	Coeymans	1836
Cazenovia and Canastota	1873	Cohoes City	1894
Cazenovia, Canastota and De Buy- ter	1873	Cohoes Railway	1904
Cazenovia, Canastota and De Buy- ter	1876	Cohoes and Waterford	1863
Cazenovia and De Buyter	1872	Cohoes and Waterford	1867
Cedarhurst	1885	Cohoes and Waterford	1872
Central City	1859	Cold Springs	1839
Central Croestown	1873	Colonial City Electric	1893
Central Dock and Terminal	1889	Colonial City Traction	1896
Central Elevated Itailway	1869	Columbia County Electric	1895
Central Elevated Railway	1886	Columbia and Rensselaer	1886
Central of Long Island	1871	Columbia Street and Erie Basin ..	1866
Central New England	1889	Columbus and Ninth Avenue	1892
Central New England and Western ..	1889	Concourse	1880
Central New York and Northern ..	1899	Conesus Lake	1882

Name of road.	When formed.
Coney Island Beach	1877
Coney Island and Brooklyn	1860
Coney Island Centre and Safety	
Rails Elevated	1880
Coney Island and East River	1876
Coney Island Electrical	1887
Coney Island Elevated	1880
Coney Island, Fort Hamilton and	
Brooklyn	1892
Coney Island, Fort Hamilton and	
Brooklyn	1904
Coney Island, Fort Hamilton and	
Brooklyn	1894
Coney Island and Gravesend	1893
Coney Island High and Low Water	
Mark	1877
Coney Island and Rockaway	1878
Coney Island and Sea View Ele-	
vated	1880
Coney Island, Sheepshead Bay and	
Ocean Avenue	1880
Coney Island Surface	1877
Coney Island Surface	1889
Coney Island Transit	1880
Connecting Terminal	1881
Conquista Coal Railway (Mexico) ..	1900
Cooperstown and Charlotte Valley ..	1888
Cooperstown and Cherry Valley ..	1891
Cooperstown and Cherry Valley ..	1837
Cooperstown and Mohawk Valley ..	1901
Cooperstown and Northern	1906
Cooperstown and Susquehanna Val-	
ley	1865
Copenhagen and Turin	1866
Corning and Blossburgh	1851
Corning, Cowanesque and Antrim ..	1873
Corning, Keuka Lake and Ontario ..	1905
Corning and Olean	1853
Corning and Painted Post	1886
Corning and Painted Post Street ..	1894
Corning and Seneca Lake	1864
Corning Traction	1894
Cornwall Branch	1869
Cornwall Suspension Bridge	1868
Cortland and Auburn	1906
Cortland County Traction	1901
Cortland and Homer	1882
Cortland and Homer	1894
Cortland and Homer Traction	1894
Corry, Findley Lake and Northeast ..	1905
Coudersport, Hornellsville and	
Lackawanna	1889
Court Street and East End	1886
Court Street and River Side	1882
Court Street and River Side	1885
Coxsackie and Greenville Traction ..	1897
Coxsackie and Greenville Traction ..	1899
Coxsackie and Schenectady	1837
Cranberry Lake	1902
Crescent (Long Island City)	1892
Cross Country	1897
Cross Country (Amended Certifi-	
cate)	1902
Cross Island Traction	1906
Crostown Street (Buffalo)	1890
Crostown (Rochester)	1889
Croton Valley	1885
Croton Valley Electric	1895
Cypress Hill Railway	1872
Danbury and Harlem Traction ..	1901
Danbury and Port Chester	1906
Dansville Electric	1893
Dansville and Mount Morris	1891
Dansville and Rochester	1882
Davenport	1888
Davenport, Middleburg and Dur-	
ham	1892
DeKalb Avenue and North Beach ..	1897
Delaware	1836
Delaware	1898

Name of road.	When formed.
Delaware and Eastern	1904
Delaware and Hudson River	1882
Delaware and North River	1889
Delaware and Otsego	1887
Delaware and Southern	1905
Delaware and Southern (Amended	
certificate)	1906
Delaware Terminal	1897
Delaware Valley	1898
Delaware Valley and Kingston ..	1899
Delhi and Middletown	1871
Deer Park and Babylon	1892
Deerfield and Utica	1888
Depot Belt Line	1890
Depew and Southwestern	1895
Depew and Tonawanda	1895
Dexter and Brownville Street	1895
Dexter and Ontario	1889
Division Avenue	1863
Dobbs Ferry Traction	1906
Dry Dock, East Broadway and	
Battery	1863
Dunderberg Spiral	1889
Dunkirk, Allegheny Valley and	
Pittsburg	1872
Dunkirk and Chautauqua Lake ..	1865
Dunkirk, Chautauqua Lake and	
Pittsburg	1873
Dunkirk and Fredonia	1864
Dunkirk and Fredonia Rapid	
Transit	1891
Dunkirk and Hickoryhurst	1890
Dunkirk and Junction	1879
Dunkirk and Point Gratiot	1899
Dunkirk Street	1906
Dunkirk, Warren and Pittsburg ..	1867
Dunkirk, Warren and Pittsburg ..	1870
Dutchess	1832
Dutchess	1838
Dutchess and Columbia	1868
Dutchess County	1890
Dutchess Extension	1880
Eastern New York	1904
Edenwald Street	1895
Eddyville and Hickory Bush	1894
Eighth Avenue	1865
Eighth and Columbus Avenues	
Connecting	1900
Eighth Ward (Syracuse)	1889
Electric City	1904
Electric (Auburn)	1883
Eleventh Ward Street	1889
Elizabethtown and Westport	1900
Ellenville and Kingston	1901
Ellicottville, Mansfield and East	
Otto	1903
Elm Street Connecting	1900
Elmira, Canadawaga and Niagara	
Falls	1857
Elmira Connecting	1882
Elmira, Cortland and Northern ..	1884
Elmira and Corning	1899
Elmira and Corning Short Line ..	1904
Elmira, Corning and Waverly	1905
Elmira and Horseheads	1871
Elmira, Jefferson and Canadawaga ..	1859
Elmira and Lake Ontario	1886
Elmira and Seneca Lake	1896
Elmira and Seneca Lake Traction ..	1906
Elmira and State Line	1872
Elmira Transfer	1885
Elmira and Waverly	1901
Elmira and Williamsport	1832
Elmira and Williamsport	1860
Elmwood Avenue and Tonawanda	
Electric	1893
Empire City Traction	1895
Erie	1865
Erie and Black Rock	1882
Erie and Cattaraugus	1837

Name of road.	When formed.	Name of road.	When formed.
Erle and Central New York	1883	Fitchburg	1887
Erle and Central New York	1902	Fitchburg	1892
Erle and Genesee Valley	1868	Flathush, Coney Island and Can-	
Erle International	1872	arsle	1864
East Branch Connecting	1889	Flathush, Coney Island Park and	
East Brooklyn Railroad	1874	Concourse	1876
East Brooklyn Railway	1873	Flushing	1852
East Brooklyn, Winfield and New-		Flushing	1863
town	1867	Flushing and College Point	1866
East Buffalo Terminal	1883	Flushing and College Point Elec-	
East Chester	1886	tric	1894
Eastern Branch of the Dutchess		Flushing and College Point Elec-	
and Columbia	1868	tric Street	1887
Eastern Railroad Company of		Flushing and College Point Street	
Long Island	1870	Flushing, Newtown and Long	
East Genesee Street and Seward		Island City	1892
Avenue	1871	Flushing, North Shore and Central	
East Genesee Street and Seward		Flushing and North Side	1868
Avenue Railway	1881	Flushing and South Shore	1895
East New York, Bayside and		Flushing Village	1871
Ozone Park	1885	Flushing and Woodside	1864
East New York and Jamaica	1860	Fonda and Fultonville	1875
East New York and Jamaica Bay		Fonda and Fultonville Electric ..	1893
East and North River	1861	Fonda, Johnstown and Glovers-	
East and North River	1884	ville	1867
East River and Atlantic Ocean ..		Fonda, Johnstown and Glovers-	
East River Bridge and Coney Is-		ville	1903
land Transit	1881	Forest Park	1902
East River, Central Park and		Forestport	1868
North River	1889	Fort Ann and Mount Hope	1871
East River and Connecticut Rail-		Fort Edward, Glens Falls and	
way	1881	Sandy Hill	1863
East River Railway	1890	Fort Hamilton and Coney Island ..	1881
East River and Newtown	1885	Fort Hamilton and New York El-	
East River Tunnel	1885	evated	1888
East Side (Elmira)	1891	Fort George Extension	1898
East Side Traction	1890	Fort George and Eleventh Avenue	
East Side and Mt. Vernon Rail-		Fort George and Eleventh Avenue	1898
way	1881	Fort George Street	1906
East Side and New Rochelle Pat-		Fort Plain and Richfield Springs	1887
ent Railway	1866	Fort Plain and Richfield Springs	1892
East Side Railway	1868	Fort Plain Street	1887
East Side of Rochester	1887	Fort Pond Bay	1883
East Side Viaduct	1906	Forty-second Street Crosstown ..	1877
East Shore	1900	Forty-second Street and Grand	
East and West	1890	Street Ferry	1863
East and West Ferries	1887	Forty-second Street, Manhattan-	
Eastwood and East Syracuse	1898	ville and St. Nicholas Avenue ..	1878
Erle and Jersey	1905	Fourteenth Street District Rail-	
Erle and New England	1868	way	1885
Erle and New York City	1852	Fourth Ward (Syracuse)	1888
Erle and Niagara River	1882	Frankfort and Ilion	1871
Erle Railway	1861	Frankfort and Utica Street	1895
Erle, Rochester and Lake Ontario		Franklin Avenue	1887
Terminal	1884	Fredonia and Lilly Dale	1899
Essex County Traction	1906	Fredonia and Van Buren	1836
Fairport Electric	1901	Friendship	1881
Fallsburgh and Monticello	1897	Fulton	1864
Fallsburgh and Monticello		Fulton Chain	1896
(amended)	1897	Fulton Chain	1902
Far Rockaway Beach	1881	Fulton and Cortlandt Street	
Far Rockaway Branch	1868	Ferry	1884
Ferry Crosstown	1885	Fulton and Cortlandt Street	
Fifth Avenue	1884	Ferry Railway	1884
Fifth Avenue	1885	Fulton Elevated	1888
Fifth Ward	1868	Fulton Ferry and Canarsie Bay ..	1868
Fifty-second, Fifty-third Streets		Fulton Ferry and Prospect Park ..	1867
and Boulevard	1886	Fulton Ferry and Tenth Avenue ..	1865
Fifty-ninth Street	1885	Fulton and Montgomery County	
Fiftieth Street, Astoria Ferry and		Electric	1892
Central Park	1890	Fulton and Oswego	1885
Findley Lake and State Line	1905	Fulton and Oswego Falls Street ..	1885
First Avenue and Jersey Ferries ..		Fulton Street	1895
Fish House and Amsterdam	1832	Fulton Street Crosstown	1887
Fishers Island	1906	Fulton, Wall Street and Cortlandt	
Fishkill	1868	Street Ferries	1885
Fishkill Electric	1895	Gallupville	1869
Fishkill and Matteawan Street ..		Garnerville	1875
Fishkill and Newburgh	1876	Geddes Street Railway	1886
Fitchburg	1842	Genesee Falls	1886

Name of road.	When formed.
Genesee and Hudson	1852
Genesee and Orleans	1901
Genesee and Orleans (amended certificate)	1901
Genesee River	1905
Genesee Valley	1856
Genesee Valley Canal	1880
Genesee Valley Junction	1882
Genesee Valley Terminal	1882
Genesee and Water Street	1865
Genesee and Wyoming Valley Ry.	1891
Genesee and Wyoming Railroad	1899
Genesee	1848
Genesee and Pittsford	1836
Geneva and Canandaigua	1828
Geneva and Cattaraugus	1837
Geneva Electric	1890
Geneva and Hornellsville	1876
Geneva, Hornellsville and Pine Creek	1876
Geneva and Ithaca	1870
Geneva, Ithaca and Athens	1874
Geneva, Ithaca and Sayre	1877
Geneva and Lyons	1877
Geneva, Phelps and Newark	1905
Geneva and Sayre	1889
Geneva and Southwestern	1871
Geneva, Southwestern and Hornellsville	1873
Geneva Surface	1891
Geneva and Van Ettenville	1889
Geneva and Waterloo	1893
Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction	1895
Gilbert Elevated	1872
Gilboa	1839
Glen Cove	1902
Glendale and East River	1874
Glennfield and Western	1901
Glens Falls	1867
Glens Falls, Sandy Hill and Fort Edward	1885
Glens Falls Street	1885
Glen Haven	1893
Gloversville and Broadbailin	1895
Gloversville and Kingsboro	1874
Gloversville, Mayfield and Northville	1868
Gloversville and Northville	1872
Gloversville Street Electric	1891
Golden Bridge Electric	1901
Golden Bridge Electric (amended certificate)	1901
Goshen	1898
Goshen and Albany	1842
Goshen and Deckertown	1867
Goshen and New Jersey	1837
Gouverneur and Adirondack	1890
Gouverneur and Edwards	1890
Gouverneur and Oswegatchie	1892
Grand Street	1859
Grand Street Central Transit	1884
Grand Street Ferry and Middle Village	1869
Grand Street and Maspeth	1859
Grand Street and Newtown	1860
Grand Street, Prospect Park and Flatbush	1870
Grand View Beach	1889
Gravesend, Flatlands, Flatbush and Brooklyn	1890
Great Ausable	1828
Great Neck and Port Washington	1890
Great Valley and Bradford	1881
Greenbush and Nassau Electric	1897
Greene	1838
Greene	1869
Greene County Traction	1897
Greenpoint and Calvary	1865
Greenpoint and Lorimer Street	1884

Name of road.	When formed.
Greenpoint, Prospect Park and Greenwood	1866
Greenpoint and Williamsburg	1864
Greenwich and Johnsonville	1869
Greenwich and Johnsonville	1874
Greenwich and Johnsonville	1903
Greenwich and Johnsonville Railway	1879
Greenwich and Schuylerville Electric	1895
Greenwood and Coney Island	1872
Greenwood Lake and Port Jervis	1888
Greigsville and Pearl Creek	1897
Hamburg	1895
Hamilton Avenue and Prospect Park	1869
Hamilton Avenue, Prospect Park and Flatbush	1868
Hamilton Ferry and Canarsie	1870
Hancock and East Branch	1906
Hancock and Pennsylvania	1889
Hancock and State Line	1880
Harlem Bridge, Morrisania and Fordham	1863
Harlem, Brook Avenue and Woodstock	1890
Harlem Crosstown	1885
Harlem Extension	1879
Harlem and Kings Bridge	1892
Harlem, Mott Haven and Morris Avenue	1890
Harlem River	1883
Harlem River and High Bridge	1853
Harlem River and Port Chester	1866
Harlem River and Port Chester Rapid Transit	1880
Harlem River and Woodstock	1886
Harlem River and Tarrytown	1864
Harlem and Riverdale Park	1885
Hartford and Connecticut Western	1881
Hay's Corners, Ovid and Willard	1882
Hempstead Traction	1894
Hempstead and Jamaica	1865
Hempstead and Smithtown	1873
Hempstead and Rockaway	1870
Hennepin Rapid Transit	1891
Herkimer and Mohawk	1871
Herkimer, Mohawk, Ilion and Frankfort Electric	1895
Herkimer, Newport and Poland Narrow Gauge	1880
Herkimer, Newport and Poland Extension	1891
Herkimer and Trenton	1836
Hicksville and Cold Springs Branch	1853
Hicksville and Huntington	1865
High Bridge	1866
High Bridge Elevated Incline	1883
Highland Junction	1881
Highland Trans-Hudson	1881
Hobart Branch	1884
Honeoye	1836
Hoosick	1893
Hoosac Tunnel and Saratoga Railway	1881
Hornell Street	1888
Hornell, Bath and Lake Kenka	1906
Hornellsville	1888
Hornellsville and Almond Street	1873
Hornellsville, Bath and Lake Kenka	1905
Hornellsville and Canisteo	1892
Hornellsville and Cohocton Valley	1882
Hornellsville Electric	1891
Hornellsville and West Union	1880
Horseheads and Elmira Avenue	1871
Houston and Hoboken	1885
Houston, West Street and Pavonia Ferry	1870

Name of road.	When formed.	Name of road.	When formed.
Hudson Avenue	1867	Jamaica and Middle Village	1886
Hudson and Berkshire	1828	Jamaica and South Shore	1903
Hudson and Boston	1855	Jamaica, Woodhaven and Brooklyn	1872
Hudson Connecting	1887	Jamestown	1871
Hudson and Delaware	1830	Jamestown	1883
Hudson Electric	1888	Jamestown and Chautauqua	1898
Hudson, Highland Bridge and		Jamestown, Chautauqua and Lake	
Railway	1896	Erie	1900
Hudson and Kinderhook	1871	Jamestown and Lake Erie	1894
Hudson Light and Power	1899	Jamestown Manufacturers' Ter-	
Hudson and Manhattan (under-		terminal	1900
ground)	1903	Jamestown and Northern	1885
Hudson and Mohawk	1860	Jamestown Short-Line Railway ..	1886
Hudson River	1848	Jamestown Street	1882
Hudson River and Berkshire	1897	Jamestown Terminal	1898
Hudson River and Boston	1885	Janesville	1836
Hudson River and Cornell	1895	Jasper, Troupsburg and Knox-	
Hudson River and Eastern Trac-		ville	1897
tion	1906	Jerome Avenue	1889
Hudson River and Eastern Trac-		Jerome Park	1880
tion	1906	Jerome Park Beach	1876
Hudson River and Long Island		Jersey City and Albany	1873
Sound	1897	Jersey City and Albany Railway.	1879
Hudson River and Washington		Jersey City and Albany Railroad	
County Midland	1895	Company of the States of New	
Hudson River and West Shore ..	1867	York and New Jersey	1879
Hudson and St. Lawrence	1872	Jersey Ferries and First Avenue .	1865
Hudson, Suspension Bridge and		Johnsonville and Rutland	1890
New England	1870	Johnstown	1838
Hudson Tunnel	1873	Johnstown, Gloversville and Kings-	
Hudson Tunnel	1880	boro	1873
Hudson Tunnel of New York	1880	Jordan and Skaneateles	1837
Hudson Tunnel Railway	1880	Junction	1870
Hudson Valley	1870	Junction Railway	1865
Hudson Valley	1901	Kanona and Prattsburgh	1886
Hudson West Shore	1860	Kanona and Prattsburgh	1897
Huguenot Electric	1898	Kaaterskill	1882
Hunter's Point Avenue and Cal-		Kaaterskill and Piattekill	1892
vary Cemetery	1888	Keeseville, Ausable Chasm and	
Hunter's Point and Flushing ..	1872	Lake Champlain	1889
Hunter's Point, Ravenswood and		Keeseville and Montreal	1860
Astoria	1864	Kinderhook and Hudson	1889
Hunter's Point and Rockaway		Kinderhook and Hudson	1896
Beach	1867	Kinderhook, Valatie and Niver-	
Hunter's Point and South Side ..	1870	ville	1887
Huntington Street	1887	Kinderhook, Valatie and Stuy-	
Huntington Street	1890	vesant	1887
Ilion Street	1875	Kingsbridge	1887
Interborough Rapid Transit (un-		Kings Bridge Cable Railway	1898
derground)	1902	Kings Bridge, High Bridge and	
International	1861	Forty-second Street	1864
International	1902	Kings Bridge and Yonkers	1876
International and Oak Orchard		Kings County	1878
Harbor	1894	Kings County Central	1878
Interstate Tunnel Railway Com-		Kings County Elevated	1879
pany of New York	1905	Kings County Elevated	1899
Intervale Traction	1902	Kings County Electric	1892
Interurban Street	1902	Kings, Queens and Suffolk	1895
Iron Hill	1873	Kingston City	1879
Irondequoit Park	1895	Kingston City Electric	1892
Irondequoit Park	1895	Kingston Consolidated	1901
Irondequoit and Lake Shore Elec-		Kingston and Lake Katrine	1896
tric	1895	Kingston and Rondout	1865
Island	1883	Kingston and Rondout Valley ..	1897
Ithaca	1884	Kingston Turnpike and Railroad	
Ithaca and Athens	1870	Company	1835
Ithaca and Auburn	1836	Kingston and Utica	1892
Ithaca and Auburn Electric	1903	Kinzston, Warwick and Easton .	1883
Ithaca, Auburn and Western	1876	Kilpnockle	1899
Ithaca and Cayuga Heights	1904	Lackawanna, Oatskill Mountain	
Ithaca and Cortland	1860	and Boston	1893
Ithaca-Cortland Traction	1903	Lackawanna and Pittsburg	1883
Ithaca and Geneva	1832	Lackawanna and Southwestern ..	1889
Ithaca and Owego	1828	Lackawanna and Susquehanna ..	1867
Ithaca and Port Renwick	1834	Lackawanna Tunnel	1904
Ithaca and Tonawanda	1866	Lake Champlain and Moriah	1867
Interstate Traction Company ..	1892	Lake Champlain and Ogdensburg.	1832
Jackson and Steilway Avenue		Lake Erie Traction	1902
Railroad Company of Long		Lake Erie Traction	1902
Island	1879	Lake Erie Electric Traction	1906
Jamaica and Brooklyn Road	1880	Lake Kenka and East Side	1903

Name of road.	When formed.
Lake Kenka and East Side (amended)	1903
Lake Mahopac and Connecticut	1886
Lake Ontario	1874
Lake Ontario and Auburn	1856
Lake Ontario, Auburn and New York	1852
Lake Ontario and Hudson River	1857
Lake Ontario and Riverside	1896
Lake Ontario Shore	1868
Lake Ontario Southern	1880
Lake and River Improvement and Railroad Land Company of the New York Wilderness	1865
Lake Shore and Michigan Southern	1869
Lake Shore Traction Company	1902
Lansingburgh and Cohoes	1880
Lansingburgh and Troy	1853
Lansingburgh and Troy	1872
Larchmont Horse	1888
Laurel Hill, New Calvary and Lutheran Cemetery	1885
Lawrenceville and Erie	1874
Lebanon Springs	1852
Lebanon Springs	1893
Lehigh and Hudson River	1882
Lehigh and Lake Erie	1896
Lehigh and New York	1895
Lehigh Valley	1882
Lehigh Valley	1882
Lehigh Valley	1890
Lehigh and Pavilion	1893
Le Roy and Northern	1895
Lewiston	1836
Lewiston and Youngstown	1892
Lewiston and Youngstown Frontier	1895
Lexington Avenue and Fourteenth Street	1884
Lexington Avenue and South Ferry	1886
Lexington Avenue	1892
Lexington Avenue and Pavonia Ferry	1892
Liberty and Jeffersonville Electric	1897
Lincoln Park and Charlotte	1883
Lima-Honeoye Electric Light	1898
Lima-Honeoye Electric Light and Railroad Company	1898
Lima and Honeoye Falls	1892
Lima Railway	1897
Little Falls and Canada Lakes	1906
Little Falls and Dolgeville	1891
Little Falls and Dolgeville	1903
Little Falls, Dolgeville and Piseco Lake	1883
Little Falls and Herkimer Street	1895
Little Falls and Richfield Springs	1895
Little Falls Street	1895
Little Falls, Van Hornesville and Otsego Lake Narrow Gauge	1889
Liverpool and Syracuse	1868
Livonia and Lake Conesus	1895
Lock City Electric	1892
Lockport Street	1885
Lockport and Batavia	1836
Lockport and Buffalo	1871
Lockport and Niagara Falls	1834
Lockport and Northern	1889
Lockport and Olcott	1900
Lockport and Olcott Beach	1891
Lockport and Youngstown	1836
Lockport City and Olcott Electric	1894
Locust Grove and Brighton Beach	1879
London, Aymer and North Shore Electric	1902
Long Beach Marine	1881
Long Island	1834

Name of road.	When formed.
Long Island Boynton Bicycle	1891
Long Island City Calvary Cemetery	1871
Long Island City and Flushing	1881
Long Island City and Manhattan Beach	1883
Long Island City and Maspeth	1873
Long Island City and Newtown	1883
Long Island City and Sea Beach	1886
Long Island City Shore	1874
Long Island Elevated Railway	1886
Long Island Electric	1894
Long Island Electric	1903
Long Island Extension	1901
Long Island New York Terminal	1892
Long Island, North Shore Branch	1892
Long Island Railroad Terminal	1899
Long Lake	1895
Lowville and Beaver River	1903
Lyons Electric	1901
Lyons and Sodus Bay	1901
Lyons Street Surface	1880
Macedon Electric	1901
Madison Avenue and Eighty-sixth Street	1885
Madison Avenue and Twenty-third Street	1885
Madison Avenue Underground	1880
Madison County	1829
Mahopac Falls	1884
Main and Ohio Street	1859
Malden	1837
Malden	1863
Malone and Canada	1883
Malone, Fort Covington and Hopkins Point	1906
Malone, Fort Covington and Hopkins Point	1906
Malone and St. Lawrence	1891
Malone and Schenectady	1892
Manaos (Foreign)	1898
Manhattan Beach Extension	1883
Manhattan Beach and West Brighton	1879
Manhattan Elevated	1875
Manhattan and Jersey City	1899
Manhattan and Jersey City (amended)	1899
Manhattan and Long Island (Tunnel)	1905
Manhattan Railroad	1879
Manhattan Railway	1854
Manhattan Railway	1867
Manhattan Railway	1894
Manhattan Surface	1887
Manhattan Tunnel	1899
Mann's Bondolf Car	1883
Manheim and Salisbury	1834
Maple Avenue	1887
Marcellus Electric	1897
Marcellus and Otisco Lake	1905
Marginal	1877
Marine	1878
Maspeth Railroad and Bridge Company	1868
Massena Electric	1899
Massena and Norwood	1901
Massena and Raymondville Electric	1902
Massena Springs and Fort Covington	1884
Massena Terminal	1900
Matamoras and New York	1898
Mayville Extension	1881
Mayville and Portland	1832
Mechanicville and Fort Edward	1880
Medina and Darien	1884
Medina and Lake Ontario	1836
Melrose and West Morrisania	1886
Metropolitan Crostown	1889

Name of road.	When formed.
Metropolitan Elevated	1872
Metropolitan Elevated	1878
Metropolitan Railroad	1864
Metropolitan Railway	1864
Metropolitan Street	1893
Metropolitan Street	1894
Metropolitan Street	1895
Metropolitan Surface	1885
Metropolitan Surface	1886
Metropolitan Transit	1867
Metropolitan Transit	1872
Metropolitan Tunnel	1899
Metropolitan Underground	1891
Mexican Mineral Railway Com- pany (Foreign)	1899
Midland New York	1902
Middleburgh and Oak Hill Trac- tion	1897
Middleburgh and Schoharie	1867
Middle Central	1878
Middletown and Crawford	1868
Middletown-Broomingburgh Elec- tric	1895
Middletown-Goshen Traction	1893
Middletown-Goshen Traction	1895
Middletown-Goshen Electric	1899
Middletown Horse	1870
Middletown Street	1889
Middletown Street Railroad and Power	1893
Middletown, Unionville and Water Gap	1866
Middle Village	1867
Middlesex Valley	1892
Midwout, Amersfort and Concy Island	1877
Milford, Matamoras and New York	1897
Mineola, Hempstead and Freeport Mineola, Roslyn and Port Wash- ington Traction	1899
Mohawk and Adirondack	1902
Mohawk and Hudson	1891
Mohawk and Hudson	1826
Mohawk and Ilion	1870
Mohawk Interurban Traction	1901
Mohawk and Lake Erie Railway	1881
Mohawk and Malone	1892
Mohawk and Moose River	1857
Mohawk and Northern	1891
Mohawk River Traction	1901
Mohawk and St. Lawrence Rail- road Navigation Company	1837
Mohawk and St. Lawrence	1890
Mohawk and Susquehanna Valley	1887
Mohawk Valley	1851
Mohawk Valley and Piseco	1863
Mohawk Valley and Northern	1890
Mohawk Valley Traction	1901
Monroe and Greenwood Lake	1877
Montague Street Railway	1885
Montgomery and Erie	1866
Montgomery and Erie	1886
Monticello, Fallsburgh and New York	1888
Monticello, Fallsburgh and White Lake	1900
Monticello and Port Jervis	1868
Montreal and Plattsburgh	1868
Montreal Extension	1893
Morris Avenue	1885
Mourne County Electric Belt Line	1901
Mountain Lake Electric	1896
Mount McGregor	1882
Mount McGregor	1889
Mount Prospect and Carroll Street	1873
Mount Vernon and East Chester	1885
Mount Vernon and East Chester	1887
Mount Vernon and New York	1892
Mount Vernon and Yonkers	1885
Municipal Street	1889
Myrtle Avenue Branch	1881

Name of road.	When formed.
Nannet and New City	1871
Nassau	1865
Nassau Belt Line Traction	1899
Nassau Cable	1884
Nassau County	1899
Nassau Electric (Brooklyn)	1893
Neversink Valley	1889
Newark	1836
Newark Electric	1901
Newark and Marion	1900
New Brighton and Onondaga Val- ley	1869
Newburgh, Dutchess and Con- necticut	1877
Newburgh	1868
Newburgh	1882
Newburgh	1886
Newburgh Electric	1894
Newburgh Electric	1897
Newburgh and Kingston	1869
Newburgh and Middletown	1866
Newburgh and Midland	1870
Newburgh and Orange Lake	1884
Newburgh, New Windsor and Balmville	1893
Newburgh and New York Railroad	1864
Newburgh and New York Railroad	1886
Newburgh and Poughkeepsie	1887
Newburgh and Wallkill Valley	1888
New England	1895
New England, Lackwanna and Pittsburg	1883
New England, New York and Pennsylvania	1873
New England and Southwestern	1886
New England and Western	1887
New Hamburg and Poughkeepsie Connecting	1893
New Jersey and Hudson River	1881
New Jersey and New England	1873
New Jersey and New York	1875
New Jersey and New York Exten- sion	1886
New Jersey and Staten Island Junction	1886
New Palts and Highland Electric	1893
New Palts, Highland and Pough- keepsie Traction	1903
New Palts and Poughkeepsie Traction	1900
New Palts and Wallkill Valley	1897
New Rochelle Electric	1897
New Rochelle and Pelham	1885
New Rochelle Railway and Transit Company	1890
New Rochelle Street Horse Rail- road	1885
New Rochelle Street Railway	1885
Newtown	1894
Newtown Creek Terminal	1896
Newtown and Flushing	1871
New Williamsburg and Flatbush	1873
New York	1860
New York and Albany	1882
New York and Albany	1866
New York and Atlantic	1880
New York and Atlantic Coast	1880
New York, Auburn and Lansing	1900
New York Bay Extension	1892
New York, Bay Ridge and Jamaica	1876
New York Beach	1897
New York and Boston	1869
New York and Boston	1892
New York, Boston and Albany	1880
New York, Boston, Albany and Schenectady	1880
New York and Boston Extension	1872
New York, Boston and Montreal	1873
New York and Boston Inland	1882
New York, Boston and Northern	1877
New York and Brighton Beach	1877

Name of road.	When formed.
New York and Brooklyn	1891
New York and Brooklyn Elevated	1880
New York, Brooklyn and Jersey City Rapid Transit	1900
New York and Brooklyn Marine	1880
New York, Brooklyn and Manhattan Beach	1885
New York, Brooklyn and Rockaway	1881
New York, Brooklyn and Sea Beach	1878
New York, Brooklyn and Sea Shore	1877
New York and Brooklyn Tunnel	1895
New York and Brooklyn Tunnel	1896
New York and Brooklyn Union Transportation	1900
New York and Brighton Beach	1878
New York Cable	1884
New York Canada	1872
New York Canadian Pacific	1891
New York Canadian Pacific	1905
New York Central	1853
New York Central and Hudson River	1869
New York Central, Hudson River and Port Orange	1884
New York Central Niagara River	1877
New York, Chicago and St. Louis	1881
New York, Chicago and St. Louis	1887
New York City	1884
New York City	1904
New York City Crosstown	1863
New York City Interborough	1902
New York City and Northern	1878
New York City Rapid Transit	1872
New York City Suburban Surface	1889
New York City Underground	1868
New York City and Westchester	1887
New York and Coney Island	1879
New York, Coney Island and Rockaway	1879
New York and Connecticut	1846
New York, Connecticut and Eastern of New York	1880
New York Connecting	1892
New York and Croton River	1871
New York and Croton River Extension	1872
New York, Danbury and Boston	1883
New York District Railway	1885
New York and East River	1882
New York Elevated	1871
New York and Erie	1832
New York, Elmsford and White Plains	1892
New York and Flushing	1859
New York, Fordham and Bronx	1885
New York, Fort Hamilton and Coney Island	1880
New York, Greenwood and Coney Island	1879
New York Harbor	1887
New York and Harlem	1831
New York and Hempstead	1871
New York and Hempstead Plains	1870
New York and Highland Suspension Bridge Company	1869
New York, Housatonic and Northern	1864
New York and Jamaica	1859
New York and Jersey	1902
New York and Jersey	1905
New York and New Jersey (amended certificate)	1902
New York and Jersey City Terminal Underground	1902
New York and Jersey City	1891
New York, Kingston and Syracuse	1872
New York, Lackawanna and Western	1880

Name of road.	When formed.
New York and Lake Mahopac	1861
New York, Lake Erie and Western	1878
New York and Long Beach	1880
New York and Long Island	1887
New York and Long Island	1899
New York, Long Island and Rockaway	1879
New York and Long Island Suburban	1891
New York and Mahopac	1871
New York and Manhattan Beach	1877
New York, Mapleton and Van Pelt Manor	1892
New York and Massachusetts	1887
New York and Mohawk Valley	1902
New York and Newburgh	1854
New York and New England	1873
New York, New England and Northern	1893
New York, New Haven and Hartford	*1871
New York and New Jersey	1873
New York and New Jersey Railway	1891
New York and New Jersey Terminal	1891
New York and New Jersey Tunnel	1883
New York, New Jersey and Eastern	1892
New York and New Rochelle	1852
New York Northern	1883
New York and Northern	1868
New York and Northern	1880
New York and Northern	1887
New York Northern Central	1885
New York and North Salem	1871
New York and North Shore	1897
New York, Ontario and Western	1880
New York and Oswego Midland	1866
New York and Ottawa	1897
New York and Ottawa	1905
New York and Pallsade	1885
New York and Pennsylvania	1895
New York and Pennsylvania	1896
New York and Pennsylvania	1904
New York, Pennsylvania and Ohio	1880
New York, Pennsylvania and Western	1881
New York and Putnam	1894
New York and Port Chester	1901
New York and Port Chester (amended certificate)	1901
New York and Queens County Tunnel	1891
New York and Queens County	1896
New York and Queens County	1896
New York and Queens County	1902
New York Quick Transit	1874
New York Railway	1871
New York, Richfield Springs and Cooperstown	1882
New York and Rockaway	1871
New York and Rockaway Beach	1876
New York and Rockaway Beach	1887
New York, Rockaway and Long Island	1880
New York, Rutland and Montreal	1883
New York and Sea Beach	1876
New York and Sea Beach Railway	1883
New York, Sea Beach and Coney Island	1878
New York and South Beach	1891
New York and South Side	1874
New York and South Mount Vernon	1892
New York and Stamford	1901
New York State	1873

*See also Laws of 1846.

Name of road.	When formed.	Name of road.	When formed.
New York Suburban Railway	1886	Northern Extension of Rochester, Nunda and Pittsburg	1872
New York Surface Railway	1886	Northern of New Jersey	1854
New York and Troy	1852	Northern New York	1870
New York Tunnel	1880	Northern New York	1895
New York Underground	1880	North New York Junction	1891
New York Underground Extension	1874	Northern Railroad Company of Long Island	1881
New York, Utica and Ogdensburg	1870	Northern Shawmut	1903
New York, Westchester and Boston	1872	Northern Slackwater and Railroad Company	1840
New York, Westchester and Connecticut Traction	1895	North Mount Vernon	1892
New York and Westchester County	1859	North New York	1885
New York, Westchester and Putnam	1877	North Park	1872
New York, Westchester and Putnam	1887	Northport Traction	1901
New York and Western	1853	North River	1880
New York Western Midland	1872	North River	1881
New York, West Shore and Buffalo	1880	North River and Wall Street Ferry	1862
New York, West Shore and Buffalo Railway	1881	North Side of Long Island	1867
New York, West Shore and Chicago	1870	North Second Street and Middle Village	1871
New York, White Plains and Mamaroneck	1892	North Side Railroad Company of Rochester	1887
New York and White Plains	1871	North Side (Staten Island)	1871
New York, Woodhaven and Rockaway	1877	North Shore	1863
New York and Yonkers	1859	North Shore of Long Island	1870
New York and Yonkers	1892	North Shore and Port Washington	1874
Niagara Bridge and Canandaigua	1858	North Third Avenue and Fleet- wood Park	1890
Niagara Electric	1893	Norwood and Montreal	1884
Niagara Falls	1871	Norwood and St. Lawrence	1901
Niagara Falls Branch	1875	Nostrand Avenue and Park	1870
Niagara Falls, Buffalo and New York	1852	Nyack and Northern	1868
Niagara Falls and Lake Ontario	1852	Nyack and Southern	1899
Niagara Falls and Lake Ontario	1852	Nyack Traction	1895
Niagara Falls and La Salle	1890	Nypaoo	1896
Niagara Falls and Lewiston	1849	Oak Hill Iron	1880
Niagara Falls and Lewiston	1890	Oak Hill Traction	1897
Niagara Falls and Lockport Electric	1905	Oatka Valley	1883
Niagara Falls Street	1895	Ocean Bay and Sheepshead Bay Railway	1881
Niagara Falls and Suspension Bridge	1882	Ocean Electric	1897
Niagara Falls and Whirlpool Railway	1886	Ocean Palace Elevated	1877
Niagara Falls, Whirlpool and Northern	1894	Ocean Parkway Transit	1888
Niagara Gorge	1899	Ogdensburg	1853
Niagara Junction	1892	Ogdensburg	1885
Niagara River	1852	Ogdensburg, Clayton and Rome	1853
Niagara River Street	1890	Ogdensburg and Lake Champlain	1864
Niagara River and Erie	1889	Ogdensburg and Lake Champlain Railway	1898
Niagara River and New York Air Line	1872	Ogdensburg and Morristown	1871
Niagara Shore Terminal	1891	Ogdensburg and Morristown	1877
Niagara Street	1859	Ogdensburg Street Railway	1885
Niagara Transfer	1902	Old Forge	1894
Niagara Transfer	1904	Olean	1880
Nichols and Northern Pennsylvania	1903	Olean, Bradford and Warren	1877
Ninth Avenue	1859	Olean, Rock City and Bradford	1897
Ninth Street, Brooklyn Ferry and Suburban	1893	Olean Street	1880
North End Street	1895	Olean Terminal	1897
North and East Greenbush	1873	Olean and Salamanca	1852
North and East Greenbush	1882	One Hundred and Fifty-fifth Street	1886
North and East River	1885	One Hundred and Sixteenth Street and Fort Lee Ferry	1885
North and New York City Traction	1895	One Hundred and Twenty-fifth Street	1871
North and South Electric	1894	Onelda	1885
Northern	1845	Onelda Horse	1874
Northern Adirondack	1883	Onelda, Oneonta and New York	1889
Northern Adirondack	1890	Onelda Railway	1903
Northern Adirondack Extension	1886	Onelda Street	1887
Northern Air Line	1869	Onelda Traction	1901
Northern Central New York	1867	Onelda Valley	1864
		Oneonta, Cooperstown and Rich- field Springs	1901
		Oneonta and Mohawk Valley	1906
		Oneonta Street	1887
		Oneonta and Earlville	1872
		Oneonta and Earlville	1899

Name of road.	When formed.
Oneonta and Otsego Valley	1887
Oneonta and Otsego Valley	1897
Oneonta and Richfield Springs	1889
Onondaga Lake	1890
Onondaga Lake	1896
Ontario, Carbondale and Scranton	1889
Ontario Southern	1876
Ontario and Wayne Traction	1901
Orange County	1877
Orange County	1888
Orange County Traction	1901
Oscawana and Cornell	1892
Ossining	1888
Ossining Electric	1893
Ossining Electric	1893
Ossining Street	1892
Oswayo Valley	1900
Oswego	1885
Oswego, Binghamton and New York	1885
Oswego City (Street)	1870
Oswego City and Town	1872
Oswego and Cortland	1886
Oswego Northern and Eastern	1883
Oswego Traction	1899
Oswego and Rome	1883
Oswego and Syracuse	1889
Oswego and Syracuse	1892
Oswego and Troy	1884
Oswego and Utica	1886
Otis Elevating Railway	1885
Otis Railway	1899
Otsego Valley	1906
Otsego	1832
Ottawa, St. Lawrence and Sche- nectady	1885
Ottawa, Waddington and New York Railway and Bridge Com- pany of New York	1884
Owasco River Railway	1881
Oyster Bay Extension	1886
Palmira Electric	1901
Park Avenue	1870
Park Avenue	1882
Patchogue and Port Jefferson Traction	1896
Paul Smith's Electric Light and Power and Railroad	1906
Peekasport Connecting	1896
Peekskill	1893
Peekskill and Cortlandt Electric	1894
Peekskill State Camp and Mohe- gan	1894
Peekskill Traction	1898
Peekskill Valley	1887
Pelham Park	1884
Pelham and Port Chester	1872
Pelham and Travers Island	1889
Pendfield and Canal	1837
Pennsylvania and Erie Coal and Railway Company	1875
Pennsylvania New York Extension (underground)	1902
Pennsylvania, New York and Long Island (underground)	1902
Pennsylvania, Poughkeepsie and Boston	1887
Pennsylvania, Slatington and New England	1882
Pennsylvania and Sodus Bay	1870
Penn Yan and Geneva	1875
Penn Yan, Keuka Park and Branchport	1897
Penn Yan and Lake Keuka Elec- tric	1902
Penn Yan, Lake Keuka and Southern	1899
Penn Yan and New York	1877
Penn Yan and Pennsylvania	1897
People's	1880
People's (Brooklyn)	1893
People's Electric Street	1888

Name of road.	When formed.
People's Rapid Transit	1888
People's Surface of Niagara Falls and Suspension Bridge	1891
People's Surface Railway	1885
People's (Syracuse)	1887
People's Traction of City of New York	1895
Perry	1882
Perry, Castile, Silver Springs and Pike	1899
Perry, Livingston and Wyoming	1896
Perth Amboy	1885
Philadelphia, Honesdale and Al- bany	1893
Philadelphia, Honesdale and Al- bany	1893
Philadelphia, Reading and New England	1892
Piermont and Nyack	1864
Piermont and West Shore	1887
Pine Plains and Albany	1872
Pine Plains and Rhinebeck	1873
Pittsburg, Chautauqua and Lake Erie	1888
Pittsburg, Binghamton and East- ern	1904
Pittsburg, Lackawanna and North- eastern	1883
Pittsburg, Titusville and Buffalo	1880
Pittsburg and Rouse's Point	1881
Pittsburg, Shawmut and Northern	1899
Plattsburgh and Montreal	1880
Plattsburgh Traction	1896
Pochuck	1897
Portage and Cuba Low Grade	1882
Port Byron and Auburn	1829
Port Chester Electric	1895
Port Chester and Eye Beach Street	1887
Port Chester, Eye and Mamaro- neck Electric	1894
Port Chester, Eye and White Plains Electric	1895
Port Chester Street	1896
Port Chester Terminal	1901
Port Chester and Tarrytown	1882
Port Chester, White Plains and Tarrytown Street	1888
Port Dickinson and Chenango River	1881
Port Jervis Electric	1889
Port Jervis Electric Light, Power, Gas and Railroad	1902
Port Jervis Electric Street	1895
Port Jervis and Monticello	1875
Port Jervis, Monticello and New York	1886
Port Jervis, Monticello and Sum- mitville	1903
Port Jervis and Suburban	1889
Port Morris and Westchester	1861
Port Richmond and Prohibition Park Electric	1891
Potosi and Rio Verde (Foreign)	1898
Potsdam and Montreal	1881
Potsdam and Watertown	1882
Poughkeepsie Bridge	1888
Poughkeepsie Bridge and Railroad	1892
Poughkeepsie City	1886
Poughkeepsie and Connecticut	1888
Poughkeepsie Connecting	1887
Poughkeepsie and Delaware Val- ley	1887
Poughkeepsie and Eastern	1883
Poughkeepsie and Eastern	1893
Poughkeepsie Grand Junction	1879
Poughkeepsie and Grand Junction	1879
Poughkeepsie, Hartford and Bos- ton	1875
Poughkeepsie, Hartford and New England	1887

Name of road.	When formed.	Name of road.	When formed.
Poughkeepsie and Hudson	1889	Rochester and Irondequoit	1893
Poughkeepsie and Southeastern ..	1886	Rochester and Irondequoit	1893
Poughkeepsie and Southwestern ..	1883	Rochester and Irondequoit	1878
Poughkeepsie Terminal	1887	Rochester and Lake Beach	1888
Poughkeepsie and Wappingers Falls	1892	Rochester and Lake Ontario	1832
Poughkeepsie and Millbrook	1892	Rochester and Lake Ontario	1879
Poughkeepsie and New Hamburg ..	1893	Rochester, Lake Side and Brad- ocks Bay	1881
Prince's Bay	1897	Rochester and Lockport	1837
Prospect Park and Clarkson Street	1878	Rochester, Lockport and Niagara Falls	1850
Prospect Park and Coney Island ..	1867	Rochester, New York and Penn- sylvania	1880
Prospect Park and Coney Island ..	1874	Rochester, New York and Penn- sylvania	1881
Prospect Park and Flatbush	1875	Rochester, Nunda and Penn- sylvania	1870
Prospect Park and Sea Side	1879	Rochester, Nunda and Penn- sylvania	1872
Prospect Park and South Brook- lyn	1888	Rochester, Nunda and Penn- sylvania Extension	1872
Putnam and Dutchess	1871	Rochester, Nunda and Pittsburg ..	1877
Putnam and Westchester Traction	1906	Rochester and Ontario Belt	1882
Queens Borough and Nassau County	1900	Rochester and Pine Creek	1870
Queens City Street	1887	Rochester and Pittsburg	1853
Queens County	1871	Rochester and Pittsburg	1881
Queens Railway	1872	Rochester and Pittsburg	1882
Queens Railway	1902	Rochester, Scottsville and Cale- donia Electric	1906
Racket River	1893	Rochester and Sodus Bay Railway ..	1898
Raquette Lake	1899	Rochester and Sodus Bay	1902
Raquette River	1895	Rochester Southern	1895
Rapid Transit (Troy)	1890	Rochester and Southern	1852
Rapid Transit Underground	1897	Rochester and Southern	1881
Rensselaerville and Berne	1869	Rochester and Southern	1895
Rensselaer and Saratoga	1832	Rochester State Line	1870
Rhinebeck and Connecticut	1870	Rochester and Syracuse	1850
Rhinebeck and Rhinecliff	1893	Rochester, Syracuse and Eastern ..	1901
Rhinebeck and Rhinecliff Street ..	1904	Rochester Terminal	1886
Richfield Springs and Cherry Val- ley	1882	Rochester and Windsor Beach Railway	1881
Richfield Springs and Otsego Lake	1866	Rockaway Beach and Far Rock- away Marine	1870
Richfield Springs and Schuyler Lake	1895	Rockaway Beach Railroad	1871
Richmond Beach	1901	Rockaway Beach Transit	1881
Richmond County	1885	Rockaway and Brooklyn	1863
Richmond Light and Railroad Company	1902	Rockaway Electric	1885
Richmond Street	1902	Rockaway Electric	1897
Ridge Road and Lake Shore	1899	Rockaway Elevated	1878
Riker Avenue and Sanford's Point	1886	Rockaway Railway	1871
River Bridge	1891	Rockaway Surf	1880
Riverhead, Quogue and Southamp- ton	1897	Rockaway Village	1886
Riverhead, Quogue and Southamp- ton (amended)	1897	Rockland	1902
River and Valley Traction	1894	Rockland Central	1870
Rochester	1833	Rockland Central Extension	1872
Rochester	1890	Rockland County Traction	1900
Rochester Cable	1887	Rockland County Traction	1902
Rochester and Canal	1831	Rockland County Traction (amended certificate)	1902
Rochester and Charlotte	1836	Rock City	1906
Rochester and Charlotte	1881	Rockland Lake	1885
Rochester and Charlotte Boulevard	1873	Rockland Lake and Valley Cottage ..	1882
Rochester, Charlotte and Manlius ..	1895	Rome and Boonville	1882
Rochester City and Brighton	1862	Rome and Carthage	1888
Rochester City and Brighton Ter- minal	1887	Rome City	1885
Rochester-Corning Elmira Traction	1906	Rome and Clinton	1869
Rochester and Eastern Rapid	1901	Rome and Oneida Electric	1905
Rochester and Eastern Rapid (amended)	1903	Rome and Port Ontario	1837
Rochester Electric	1887	Rome Street	1874
Rochester and Elmira Electric	1906	Rome and Sylvan Beach	1888
Rochester and Genesee Valley	1851	Rome, Watertown and Ogdensburg ..	1860
Rochester and Genesee Valley Canal	1870	Rome, Watertown and Ogdensburg Terminal	1886
Rochester and Glen Haven	1887	Rondout and Eddyville	1895
Rochester and Honeyoye Valley	1888	Rondout and Kingston	1863
Rochester, Hornellsville and Lack- awanna	1886	Rondout and Oswego	1866
Rochester, Hornellsville and Pine Creek	1872	Rondout and Port Jervis	1865
		Rondout and Southwestern	1895
		Rondout Valley	1890
		Roslyn and Huntington	1874
		Rutland	1901

Name of road.	When formed.
Rutland	1902
Rutland and Whitehall	1836
Rye Lake	1874
Rye and Westchester	1871
Sacandaga Valley	1871
Sacketts Harbor and Ellisburgh	1851
Sacketts Harbor, Rome and New York	1860
Sacketts Harbor and Saratoga	1852
Sacketts Harbor and Watertown	1855
Sacketts Street	1866
Salamanca, Bedford and Allegany River	1881
Salamanca Electric Surface	1890
Salamanca and Little Valley	1901
Salamanca and Little Valley Traction	1902
Salamanca and Warren	1881
Salina and Oakwood Railway	1886
Salina and Port Watson	1829
San Juan and Rio Piedras (Foreign)	1898
Saranac and Lake Placid	1890
Saranac and Lake Placid	1903
Saratoga Electric	1889
Saratoga and Fort Edward	1832
Saratoga and Hudson River	1864
Saratoga Lake	1880
Saratoga Lake	1897
Saratoga and Montgomery	1836
Saratoga and Mt. McGregor	1882
Saratoga and Mt. McGregor	1896
Saratoga, Mt. McGregor and Lake George	1882
Saratoga Northern	1897
Saratoga Rapid Transit	1890
Saratoga and Schenectady	1831
Saratoga, Schuylerville and Hoosac Tunnel	1870
Saratoga Springs and Schuylerville	1832
Saratoga Street	1887
Saratoga and St. Lawrence	1885
Saratoga and St. Lawrence Extension	1891
Saratoga Traction	1897
Saratoga and Washington	1834
Saratoga and Whitehall	1855
Saugerties and Palenville	1901
Saugoville Valley Electric Street	1890
Schenectady	1886
Schenectady	1895
Schenectady and Albany	1890
Schenectady, Albany and North Adams	1882
Schenectady and Catskill	1846
Schenectady and Catskill	1863
Schenectady City	1873
Schenectady and Duaneburgh	1873
Schenectady and Margaretville	1906
Schenectady and Mechanville	1867
Schenectady and Ogdensburg	1872
Schenectady and Ogdensburg Nar- row Gauge	1882
Schenectady and South Western	1906
Schenectady and Susquehanna	1846
Schenectady and Susquehanna	1869
Schenectady and Susquehanna	1870
Schenectady and Troy	1836
Schenectady and Utica Railway	1865
Schoharie and Otsego	1832
Schoharie Street	1872
Schoharie Valley	1865
Schoharie Valley	1874
Schoharie Valley Railway	1880
Schuylerville and Fort Edward	1870
Schuylerville and Moreau	1870
Schuylerville and Upper Hudson	1869
Schuylerville and Upper Hudson	1872
Scotia Traction	1901
Scottsville and Canandaigua	1838

Name of road.	When formed.
Scottsville and Le Roy	1836
Sea Beach	1896
Sea Beach and Brighton	1886
Sea Beach and Sheepshead Bay	1886
Sea Breeze Avenue	1881
Sea Cliff Inclined Cable	1885
Sea Side Elevated	1880
Sea Side and Brooklyn Bridge Elevated	1890
Sea Side Transit	1880
Sea View	1886
Sea View of Coney Island	1880
Second Avenue	1853
Sedge Bank	1876
Seneca County	1891
Seneca Fall and Cayuga Lake	1886
Seneca Falls, Restvale and Cay- uga Lake Street	1886
Seneca Falls and Waterloo	1889
Seneca Lake Branch	1868
Seventh Ward Railway	1886
Sharon and Root	1838
Sharon and Ceres Terminal	1903
Shawmut Connecting	1900
Sheepshead Bay and Coney Island	1877
Sheepshead Bay and Coney Island	1892
Sheepshead Bay and Sea Shore	1865
Sherman Park and Westchester County	1894
Silver Creek and Dunkirk	1890
Silver Lake	1870
Silver Lake	1877
Sixth Avenue	1851
Skaneateles	1836
Skaneateles	1866
Skaneateles and Jordan	1841
Smithtown and Port Jefferson	1870
Sodus Bay and Cornlmg	1872
Sodus Bay, Cornlmg and New York	1870
Sodus Bay and Southern	1883
Sodus Point and Southern	1852
South Beach	1888
South Avenue Surface	1890
South Brooklyn	1878
South Brooklyn	1900
South Brooklyn and Bergen Street	1863
South Brooklyn and Flatbush	1866
South Brooklyn Central	1877
South Brooklyn Central	1887
South Brooklyn Railroad and Ter- minal	1887
South Brooklyn and Park	1870
South Brooklyn Street	1886
South Buffalo	1899
South Cairo and East Durham	1881
South Ferry	1874
South Ferry and Prospect Park	1874
South Ferry Railroad Company	1888
South Ferry and Sea Side Direct Transit	1881
South Park	1889
South Shore Traction	1903
South Side Connection	1868
South Side of Long Island	1861
South Vandalla and State Line	1897
Southern Boulevard	1885
Southern Central	1866
Southern Hempstead Branch	1875
Southern Long Island	1874
Southern New York	1895
Southern Westchester	1871
Southfield Beach	1899
Southfield Branch	1868
Speers' Quick Transit	1879
Springville and Sardinia	1878
Spyten Duyvil and Port Morris	1867
Squaw Island	1884
State Line and Eastern	1879
State Line and Stony Point	1886
Staten Island	1836

Name of road.	When formed.	Name of road.	When formed.
Staten Island	1852	Syracuse and Northwestern	1874
Staten Island	1873	Syracuse and Onondaga	1836
Staten Island Belt Line	1887	Syracuse and Onondaga	1863
Staten Island Central	1871	Syracuse and Ontario	1882
Staten Island Electric	1894	Syracuse and Ontario	1903
Staten Island Horse	1866	Syracuse, Ontario and New York ..	1883
Staten Island Interior	1894	Syracuse and Oneida Lake	1891
Staten Island Midland	1890	Syracuse and Oneida Lake Electric ..	1895
Staten Island Northern	1886	Syracuse, Phoenix and Ontario ..	1882
Staten Island, North and South Shore	1881	Syracuse, Phoenix and Oswego ..	1872
Staten Island Rapid Transit	1880	Syracuse, Phoenix and Oswego ..	1885
Staten Island Rapid Transit	1899	Syracuse, Phoenix and Oswego ..	1886
Staten Island Sea Beach	1889	Syracuse, Rapid Transit	1896
Staten Island Shore	1864	Syracuse and Rochester Direct ..	1850
Staten Island Shore	1869	Syracuse and South Bay	1886
Staten Island Terminal	1883	Syracuse and South Bay	1900
Staten Island Terminal Electric ..	1895	Syracuse and Southern	1856
Steinway (Long Island City)	1892	Syracuse and Southwestern	1876
Steinway Avenue and Bowery Bay ..	1883	Syracuse and Southwestern	1877
Steinway and Hunter's Point	1874	Syracuse and Suburban	1895
Steinway and Hunter's Point	1883	Syracuse, Skaneateles and Moravia	1898
Sterling Mountain	1864	Syracuse, Skaneateles and Moravia	1899
Stillwater and Mechanicville	1882	Syracuse Stone	1836
St. Lawrence	1892	Syracuse and Utica	1836
St. Lawrence and Adirondack	1891	Syracuse Union Street	1888
St. Lawrence and Adirondack	1895	Syracuse Utica Direct	1853
St. Lawrence and Adirondack	1896	Tarrytown Electric	1896
St. Lawrence International Elec- tric Railroad and Land Com- pany	1902	Tarrytown, White Plains and Mamaroneck	1898
St. Lawrence Valley	1873	Tenth Avenue and Grand Street ..	1860
St. Nicholas Avenue and Cross- town	1885	Terminal (of Buffalo)	1895
St. Regis and Salmon River	1892	Terminal Railroad and Tunnel	1900
Stony Cove and Catskill Mountain ..	1881	Terminal Underground	1886
Stony Point Harbor and Terminal ..	1898	Terminal Union	1889
Suburban Rapid Transit	1875	Third Avenue	1853
Suburban Traction	1892	Third Avenue and Fordham	1861
Suffolk Traction	1906	Third Street (Newburgh)	1837
Suspension Bridge and Erie Junc- tion	1868	Third Ward Railway	1886
Susquehanna Valley Electric Traction ..	1893	Thirty-eighth and Thirty-ninth Streets Crosstown	1894
Syracuse	1887	Thirty-first Street	1885
Syracuse	1893	Thirty-fourth Street	1884
Syracuse and Baldwinsville	1886	Thirty-fourth Street Crosstown ..	1896
Syracuse and Baldwinsville	1886	Thirty-fourth Street Ferry and Eleventh Avenue	1885
Syracuse and Baldwinsville Rail- way	1891	Thirty-ninth Street, Brooklyn Ferry and Suburban	1893
Syracuse and Binghamton	1857	Thirty-second Street	1880
Syracuse, Binghamton and New York	1857	Tilly Foster Mine	1888
Syracuse, Binghamton and New York	1885	Ticonderoga	1889
Syracuse Branch New York, Utica and Ogdensburg	1871	Ticonderoga Union Terminal	1905
Syracuse and Chenango	1873	Tioga and Erie	1886
Syracuse and Chenango Valley	1868	Tioga and Savonia	1875
Syracuse, Chenango and New York ..	1877	Tivoli Hollow	1893
Syracuse Connecting Railway	1866	Tonawanda	1832
Syracuse Consolidated Street	1890	Tonawanda, Genesee Valley and Pine Creek	1882
Syracuse, Cortland and Bingham- ton	1836	Tonawanda Electric	1890
Syracuse and East Side	1894	Tonawanda Street	1890
Syracuse, Eastwood Heights and DeWitt	1889	Tonawanda Valley	1880
Syracuse Electric	1890	Tonawanda Valley and Cuba	1881
Syracuse, Fayetteville and Man- lius	1867	Tonawanda Valley and Cuba	1881
Syracuse and Geddes	1863	Tonawanda Valley Extension	1881
Syracuse, Geneva and Corning	1875	Tonawanda, Wiscoy and Genesee Valley	1882
Syracuse, Geneva and Corning	1885	Transit	1872
Syracuse Junction	1873	Trenton and Sacketts Harbor ..	1837
Syracuse, Lake Shore and North- ern	1905	Troy and Albion	1866
Syracuse Mineral Springs	1867	Troy and Averill Park	1886
Syracuse Northern	1868	Troy and Bennington	1851
Syracuse Northern Traction	1905	Troy and Boston	1849
Syracuse and Northern	1885	Troy and Chatham	1882
Syracuse and Northwestern	1860	Troy City	1867
		Troy City	1891
		Troy and Cohoes	1862
		Troy and Greenbush	1845
		Troy and Lansingburgh	1860
		Troy and Lansingburgh	1886

Name of road.	When formed.
Troy and New England	1889
Troy, Rensselaer and Plattsfield ..	1901
Troy and Rutland	1849
Troy and Saratoga	1871
Troy, Saratoga and Northern	1886
Troy and Stockbridge	1836
Troy and Susquehanna	1871
Troy Terminal	1902
Troy Turnpike and Railroad	1831
Troy Union	1851
Troy and Utica	1853
Tunnel Extension	1882
Tunesassa and Bradford	1905
Tuscarora Traction	1906
Tuscarora Valley	1902
Twenty-eighth and Thirtieth Street	1884
Twenty-eighth and Twenty-ninth Streets, Crostown	1885
Twenty-eighth and Twenty-ninth Streets, Crostown	1896
Twenty-third Street	1880
Twenty-third Street	1872
Twenty-third Street District Railway	1885
Twenty-third Street Ferry and Newtown	1893
Tyrone and Geneva	1837
Ulster County	1836
Ulster County Electric	1895
Ulster and Delaware	1875
Ulster and Delaware	1902
Unadilla and Schoharie	1836
Unadilla Valley	1890
Unadilla Valley	1904
Underground (New York)	1896
Union	1851
Union (Buffalo)	1860
Union of the City of Brooklyn ..	1884
Union (New York city)	1892
Union Electric of Saratoga	1890
Union Elevated	1886
Union Passenger Railway Transfer Company of New York	1885
Union Pneumatic Railway	1867
Union Railroad Company	1857
Union Station	1899
Union Street	1890
Union (Syracuse)	1852
Union and Syracuse Straight Line	1852
Union Terminal of the City of Buffalo	1881
Union Terminal (New York, underground)	1902
Union Traction	1902
Union Village and Johnsonville ..	1867
Union (of Westchester)	1859
United Railroad Company (Brooklyn)	1897
United States and Canada	1883
United States and Canada	1888
United States Harvey-way Construction Company	1882
United Traction	1899
Upper Hudson	1872
Upper Hudson	1896
Upper Hudson Electric and Railroad Company	1905
Uptown Fifth Avenue	1885
Utica, Adirondack and Saratoga ..	1888
Utica Belt Line	1886
Utica and Binghamton	1853
Utica and Black River	1861
Utica and Black River	1883
Utica and Black River	1886
Utica, Chenango and Cortland ..	1870
Utica, Chenango and Susquehanna Valley	1866
Utica City	1862
Utica, Clinton and Binghamton ..	1863

Name of road.	When formed.
Utica and Deerfield Street	1871
Utica and Fair-ground	1875
Utica, Georgetown and Elmira ..	1870
Utica and Herkimer Street	1895
Utica, Horseheads and Elmira ..	1870
Utica and Illon Narrow Gauge ..	1877
Utica, Ithaca and Elmira	1872
Utica, Ithaca and Elmira Railway Company	1878
Utica and Mohawk	1874
Utica and Mohawk (Street)	1860
Utica and Mohawk Valley	1902
Utica and Schenectady	1833
Utica and Suburban	1896
Utica and Susquehanna	1832
Utica and Syracuse Air Line	1880
Utica and Syracuse Railway	1865
Utica and Unadilla Valley	1888
Utica and Waterville	1854
Utica and Waterville	1867
Valatie and Kinderhook Street ..	1889
Van Nest, West Farms and Westchester Traction	1892
Valley	1869
Van Brunt Street and Erie Basin ..	1861
Vermont and Whitehall	1902
Waddington, Canton and Southern ..	1894
Wakefield and Westchester Traction	1892
Walden and Orange Lake	1894
Wall and Cortlandt Street Ferries ..	1898
Wall Street Ferry	1889
Walkkill Transit Company	1905
Walkkill Valley	1877
Walkkill Valley Railway	1866
Wallula and Oswegatchie	1905
Warren County	1832
Warren County	1899
Warren and Jamestown Electric ..	1902
Warren and Jamestown Street ..	1904
Warren, Sugar Grove and Mayville	1885
Warsaw and Le Roy	1854
Warwick	1837
Warwick Valley	1860
Washington Bridge, Tremont and Westchester	1890
Washington County	1887
Washington County Central	1855
Washington Street, Asylum and Park	1887
Washington Street and State Asylum	1872
Water and Clinton Street	1873
Waterford and Cohoes	1863
Waterford and Cohoes	1883
Waterloo, Seneca Falls and Cayuga Lake	1894
Waterport Electric Light and Power and Railroad	1895
Watertown and Brownville Street ..	1890
Watertown and Brownville Street ..	1894
Watertown and Cape Vincent	1836
Watertown and Carthage Traction ..	1901
Watertown and Rome	1832
Watertown Street Railway	1887
Watervillet and Schenectady	1836
Watervillet Turnpike and Railroad ..	1862
Watkins and Eastern	1902
Watkins and Havana Street	1872
Watkins and Havana	1895
Watkins and Havana	1896
Waverly and State Line	1867
Waverly, Sayre and Athens Traction	1894
Wellsville, Bolivar and Eldred	1881
Wellsville, Coudersport and Pine Creek	1882
Wellsville and Fillmore	1882
Wellsville, Honeoye and Ceres	1882
West Brooklyn	1887

Name of road.	When formed.	Name of road.	When formed.
West Brooklyn Electric	1890	West Side Elevated Patent Rail- Way	1868
West Davenport	1891	West Side (New York)	1892
West Eighty-sixth Street	1902	West Side of Rochester	1887
West Oneonta and Laurens	1898	West Side and Yonkers Patent	1886
Westchester	1863	West Tenth Street Connecting	1900
Westchester County	1858	West Troy and Green Island	1870
Westchester County	1878	West Water Street	1890
Westchester County	1884	Wharton Valley	1888
Westchester County Central Elec- tric	1895	Whitehall and Granville Traction	1900
Westchester County and New York City	1860	Whitehall and Plattsburgh	1853
Westchester Electric	1891	Whitehall and Plattsburgh	1866
Westchester and Putnam	1891	Whitehall and Rutland	1833
Westchester Railway	1881	Whitestone and Westchester	1872
Westchester and Long Island Tunnel	1893	Whitestone and College Point	1893
Westchester Traction	1901	Williamsbridge, Woodlawn and Westchester	1891
Westchester Traction	1902	Williamsbridge and Westchester Traction	1892
Westchester and Williamsbridge Traction	1895	Williamsbridge and Coney Island	1864
West End of Glenwood	1876	Williamsport and Elmira	1830
West Farms and Westchester Traction	1892	Williamsbridge and Flatbush	1866
Westfield Street	1905	Williamsburgh and Newtown	1866
Western New York	1895	Williamsport and Binghamton	1887
Western New York and Pennsyl- vania	1887	Williamstown and Redfield	1865
Western New York and Pennsyl- vania	1895	Williamsville, Marlough and Buf- falo	1888
Westfield and Chautauqua	1886	Williams Terminal	1905
Westfield, Mayville and Chautau- qua Motor	1897	Windham Traction	1897
Westport and Kingdom	1868	Windsor Beach and Ontario	1887
West Shore	1863	Wilson Terminal	1880
West Shore	1885	Woodlawn and Butternut	1886
West Shore Hudson River	1868	Yates Avenue and Flatbush	1880
West Shore and International Bridge	1882	Yonkers	1873
West Shore Traction	1906	Yonkers	1886
West Side (Binghamton)	1887	Yonkers	1886
West Side	1854	Yonkers Electric	1894
West Side (Buffalo)	1887	Yonkers, Mt. Vernon, Pelham and New Rochelle	1891
West Side (Elmira)	1891	Yonkers and New York	1864
West Side (Elmira)	1896	Yonkers Rapid Transit	1879
		Yonkers Street	1886
		Yonkers and Tarrytown Electric	1896
		Yonkers and White Plains	1891
		Youngstown and Buffalo	1888

**The Following are the Rules of Procedure Adopted by the
Board of Railroad Commissioners in Matters
Coming Before It.**

Complaints.

Complaints to the Board against railroad companies should be made in writing, and the cause of complaint should be stated clearly. Upon receipt of a complaint (unless in the judgment of the Board immediate action is required) a copy is sent to the railroad company, which must answer within ten days, unless longer time is allowed by the Board. A copy of the answer is sent to the complainant, and, if not satisfactory, issue is joined, a hearing held and a decision rendered.

Change of Name.

See sections 2411-2417, Code of Civil Procedure.

Increase of Capital Stock.

(Section 46, Stock Corporation Law.)

Application must be made by verified petition. A date for hearing, not earlier than ten days after the receipt of the petition, will be fixed. Accompanying the petition there must be:

First. Three certificates of the proceedings of the meeting of the stockholders, two to be endorsed (if the application is approved) and one to be filed in this office.

Second. A sworn statement, in detail, of the financial condition of the company, giving the amount of capital stock authorized and amount issued; outstanding indebtedness; and other pertinent information, and a sworn statement, in detail, of the cost of road and equipment.

Third. A sworn statement, in detail, of the purposes to which the proposed increase of stock is proposed to be devoted, and, if for further construction and equipment, a verified estimate, in detail, of the cost thereof, made by a person competent to make the same.

Reduction of Capital Stock.

(Section 46, Stock Corporation Law.)

Application must be made by verified petition. A date for hearing will be fixed. The Board requires:

First. Three certificates of the proceedings of the meeting of the stockholders, two to be endorsed and one to be filed in this office.

Second. A sworn statement from the proper officer of the company that the reduced capital is sufficient for the proper purposes of the corporation and is in excess of its debts and liabilities, the aggregate amount of such debts and liabilities to be stated.

Consent to the Issue of Mortgage.

(Subdivision 10, Section 4, Railroad Law.)

Application must be made by verified petition, stating what the lien is to be. A date for hearing, not earlier than ten days after the receipt of the petition, will be fixed. Accompanying the petition there must be:

First. Proof of consent of the stockholders under the statute.

Second. A sworn statement, in detail, of the financial condition of the company, giving the amount of the capital stock authorized and amount issued, and amount of mortgage bonds authorized and amount outstanding, and amount of other indebtedness of the company, as well as other pertinent information; also a sworn statement, in detail, of the cost of road and equipment.

Third. A sworn statement, in detail, of the purposes to which the proceeds of the proposed mortgage are to be devoted, and, if for further construction and equipment, a verified estimate, in detail, of the cost thereof, made by a person competent to make the same. A copy of the mortgage must be filed with the Board.

Filing of Maps of Railroads.

(Section 6, Railroad Law.)

Section 6 of the Railroad Law shows in detail what is required.

Sign Boards at Crossings.

(Section 33, Railroad Law.)

Application must be made by verified petition, which shall state the application in detail, following the provisions of the section. A date for hearing will be fixed. Accompanying the petition there must be a print or drawing in detail of the sign or signs of which approval is asked.

Discontinuance of Railroad Stations.

(Section 34, Railroad Law.)

Application must be made by verified petition. The Board will in each case prescribe rules for proof in applications under this section.

Accommodation of Connecting Railroads.

(Section 35, Railroad Law.)

Application must be made by verified petition. The Board will in each case prescribe rules for proof in applications under this section.

Railroads Crossing Each Other at Grade.

(Section 36, Railroad Law. See Section 68, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. As to the precedence of trains: The Board will in each case prescribe rules for proof in applications under this provision.

Second. In applications for approval of an interlocking switch and signal apparatus at such crossings, a hearing will be given at which a blue print or sketch of the proposed system must be submitted to the Board, which shall show distant signals at least 1,500 feet from the crossing (except where impracticable), home signals and throw-off switches (except where impracticable), all interlocking and operated from a tower.

Safety Devices.

(Section 50, Railroad Law.)

Application must be made by verified petition. Applications under this section will be considered under rules made for each case.

Cooking Stoves Used in Dining Cars.

(Section 51, Railroad Law.)

Application must be made by verified petition. In applications under this section for approval of cooking stoves in dining cars, the Board must see the stove proposed to be used, or a blue print or sketch of it.

Cessation of Operation of Railroads During the Winter Months.

(Section 55, Railroad Law. See Section 21, Railroad Law.)

Application must be made by verified petition. The Board will require notice of hearing on applications under this section to be advertised. Proof must be furnished that the road comes within the meaning of the section, and that the public interests will not suffer from the cessation of operation. If the application is granted, proof must be subsequently made that the order has been posted as required by section 55.

Fixing Compensation for Transportation of the Mails.

(Section 56, Railroad Law.)

Rules of procedure under this section will be formulated in each case.

Extension of Time in which to File Reports of Railroad Companies.

(Section 57, Railroad Law.)

Application under this section must be accompanied by a statement of the reasons why an extension of time in which to file reports is necessary.

Certificate that Public Convenience and a Necessity Requires the Construction of a New Railroad.

(Section 59, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. Proof of the publication of a certified copy of the articles of association of the company, as required by section 59, and

proof that the application is made within six months after the completion of such publication. There must also be filed certified typewritten copies of the articles of association from the Secretary of State's and county clerk's offices.

Second. Public notice of the application and hearing before the Board must be published in such form and in such newspapers as the Board shall direct.

Third. At the hearing, proof must be made by oral evidence that public convenience and a necessity require the construction of the railroad.

Fourth. A map and profile of the line as proposed, and showing the streets, avenues and highways and other railroads to be crossed.

Fifth. Proof in executive session must be made of the bona fides of the enterprise, and of the financial ability of the projectors to build the road.

Grade Crossing Law.

(Sections 60-69, Railroad Law.)

The procedure is prescribed in the statute, except as to section 68. In applications under section 60 the petition must state the number of tracks proposed to be laid. In applications under section 61, the petition must state the number of tracks proposed to be crossed. In applications under section 62 the petition must state the number of tracks in existence at the crossing, and, if the petition is by a railroad company, whether it proposes to construct additional tracks at the crossing.

As to section 68, application must be made by verified petition which shall ask the Board to determine whether the crossing "shall be above, below or at grade of such existing railroad" and to "in such determination fix the proportion of expense of such crossing to be paid by each railroad." The petition must state number of tracks proposed to be crossed and number proposed to cross; also widths of right of way where the proposed crossing is on private right of way; also widths of streets or highways. Public notice of the application under section 68 and hearing before the Board must be published in such form and in such newspapers as the Board shall direct.

(See Section 2, Chapter 239, Laws 1893.)

Consolidation or Lease of Parallel and Competing Steam Railroads.

(Section 80, Railroad Law.)

Application must be made by verified petition. Rules for the consideration of applications under this section will be established by the Board in each case.

As to Liability of Reorganized Railroad Company to Extend Its Road.

(Section 83, Railroad Law.)

Application must be made by verified petition. Rules for the consideration of applications under this section will be established by the Board in each case.

Motive Power of Street Railroads.

(Section 100, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. Publication of notice of hearing of the application, in such form and in such newspapers as the Board shall direct.

Second. At the hearing, oral evidence in contested cases, and in uncontested cases, affidavit or affidavits of competent persons showing the total value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed, and the value of the property the owners of which have consented to the use of the motive power proposed.

Use of Tracks of a Street Railroad.

(Section 102, Railroad Law.)

Rules for procedure under this section will be prescribed in each case.

Abandonment of Part of Route of a Street Surface Railroad.

(Section 103, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. Two originals of the declaration of abandonment, adopted as required by the section.

Second. Notice of hearing on the application shall be published in such form and in such newspapers as the Board shall prescribe.

Third. Proof must be made by affidavit in uncontested cases, and by oral evidence in contested cases, that the portion of the route proposed to be abandoned is no longer necessary for "the successful operation of its road and convenience of the public."

Change of Gauge of Railroads.

(Chapter 287, Laws 1891.)

Application must be made by verified petition. The Board will require proof that stockholders owning three-fourths in amount of the capital stock of the company have voted at a special meeting called for that purpose in favor of changing the gauge of the railroad. Also such further information as it in each case shall designate.

Relative to Abandonment of Route by Elevated Railroads.

(Chapter 294, Laws 1891.)

Application must be made by verified petition. In applications under this act the Board will make rules in each case.

As to Lighting and Ventilating Tunnels.

(Chapter 360, Laws 1891.)

Rules for procedure under this act will be fixed in each case.

Laying Street Railroad Track Across Steam Railroad where there are Three or More Steam Railroad Tracks.

(Section 2, chapter 239, Laws 1893.)

Application must be made by verified petition. At the hearing the company making the application must furnish the Board with a map or sketch, showing the crossing and the locality surrounding it.

(See Section 68, Railroad Law.)

TRAVELING EXPENSES OF THE BOARD.

Traveling expenses of the Board of Railroad Commissioners for the year ending September 30, 1906, as filed and audited by items in the office of the Comptroller of the State. (Limited by article VI, Railroad Law, to \$900 a month, in the aggregate, aside from special appropriations.)

Of the Commissioners.....	\$2,850 50	
Of the Secretary.....	146 26	
Of the Assistant Secretary.....	10 00	
Of the Inspector, Accountant, Stenographers and Clerks	1,538 71	
Of the Electrical Expert.....	944 34	
	<hr/>	
Total		\$5,489 80

FROM SPECIAL APPROPRIATIONS.

Of the Commissioners.....	\$315 00	
Of the Secretary.....	20 00	
Of the Grade Crossing Superintendent and Grade Cross- ing Inspector	897 35	
Of the Stenographers and Clerks.....	27 50	
	<hr/>	
Total		1,259 85
		<hr/>
Grand total, all traveling expenses.....		<u>\$6,749 65</u>

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